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## ABSTRACT

This 2001 edition of Educational International's (EI) "Barometer on Trade Union and Human Rights in the Education Sector" focuses on four fundamental human rights: (1) the right to education; (2) academic freedom; (3) children's right to be protected from exploitation; and (4) workers' rights to form and join trade unions and to organize and bargain collectively. The aim of the "Barometer" is to demonstrate the inter-relationship of these four internationally established rights and to measure and monitor the extent to which, in each country where EI has members, they are respected. Noting that since 1998 EI's membership has extended to include organizations in five additional countries or territories (Azerbaijan, Georgia, Kyrgyzstan, Palestine, and Sao Tome and Principe), the Barometer now covers data on 155 countries and territories. It finds that what emerges from this second country by country examination of education rights and trade union rights in the education sector is both positive and negative. Positive because EI member organizations have demonstrated their ability to put education on the international agenda, and negative because there is little evidence of effective change at the local level. The Barometer also highlights the devastating effect that HIV-AIDS is having and the extent to which it is not only an obstacle to improving education rights and eliminating child abuse but a threat to those limited gains already made. Following a foreword and an introduction, the Barometer is divided into sections on Africa, Asia and the Pacific, Europe, Latin America, and North America and the Caribbean. Appendixes list 11 U.N. and international conventions. (Lists 16 main published sources.) (BT)

Education is a Human Right

2001

ED 460 047

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# BAROMETER

on Human and Trade Union Rights in the Education Sector



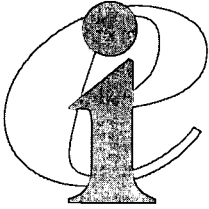
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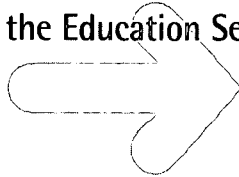
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# BAROMETER 2001

on Human and Trade Union Rights in the Education Sector



EDUCATION INTERNATIONAL IS A WORLD-WIDE TRADE UNION ORGANISATION OF EDUCATION PERSONNEL, WHOSE 24 MILLION MEMBERS REPRESENT ALL SECTORS OF EDUCATION, FROM PRE-SCHOOL TO UNIVERSITY, THROUGH ITS 305 NATIONAL MEMBER ORGANISATIONS IN 155 COUNTRIES AND TERRITORIES.

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EI BAROMETER  
ON HUMAN AND  
TRADE UNION RIGHTS  
IN THE EDUCATION  
SECTOR

BARÓMETRO DE LA IE  
SOBRE LOS DERECHOS  
HUMANOS Y SINDICALES  
EN EL SECTOR  
DE LA EDUCACIÓN

BAROMÈTRE DE L'IE  
SUR LES DROITS HUMAINS  
ET SYNDICAUX  
DANS LE SECTEUR  
DE L'ÉDUCATION

## Human and Trade Union Rights: The Education International perspective

It has been three years since Education International published the first EI Barometer highlighting education as a fundamental human right and showing the relationship between the right to education, child labour, and a fair deal for educators.

In those three years a new International Labour Organisation Convention on the Worst Forms of Child Labour has been negotiated, adopted unanimously in June 1999 and, as we write this foreword at the end of April 2001, it has already been ratified by 71 countries, a record number over such a short period of time.

The right to education has also taken centre stage at the international level during these three years. The establishment of the Global Campaign for Education by Education International, the Global March against Child Labour, Action Aid and Oxfam International; the work of the UN Human Rights Commission Special Rapporteur on the right to education, Katarina Tomasevski; and the UN World Education Forum, held in Dakar in April 2000, have all contributed to the increasing recognition of the importance of education.

Now there is much greater agreement than there was three years ago that quality education underpins sustainable economic and social development, democracy and the exercise of fundamental human rights. And that children's rights and their wellbeing are closely linked to those of their families, but also to those of their teachers. There is also growing, but still insufficient recognition that quality education for all can only develop and flourish where there is an environment of respect for trade union rights.

What emerges from this second country by country examination of education rights, academic freedom, child labour and trade union rights in the education sector is both positive and negative. Positive because EI member organisations have demonstrated their ability to put education on the international agenda. Negative because, despite a very few significant victories, such as South Korean teachers winning the right to unionise and bargain collectively, there is, as yet, little evidence of effective change at the local level.

Countries are now more willing to ratify the fundamental labour Conventions, but few of them are taking the required action to effectively implement them. Child labour continues to damage and destroy young lives not because it is an intractable problem that will persist as long as poverty exists, but because political will and resources do not match the political rhetoric. Similarly in many countries where the right to collective bargaining for teachers and other education staff is recognised by law, it is not implemented in practice. So poor pay, large class sizes and lack of teaching equipment and materials undermine the ability of teachers to attract and retain pupils by providing quality education, just as, for the children most vulnerable to child labour, fees and other expenses act as a barrier to enrolment and full participation in education.

The 2001 Barometer also highlights the devastating effect that HIV-AIDS is having and the extent to which it is not only an obstacle to improving education rights and eliminating child labour, but it is a pernicious threat to those limited gains that have already been made.

This edition confirms that teachers and education support staff continue to be at the forefront of the struggle for basic trade union and human rights.

The challenge for the next three years is for EI and its members to organise even more strategically and more effectively so that in the next edition of the Barometer we can point to real improvements in the daily lives of our most vulnerable children and in the working lives of teachers and support staff everywhere.

Mary Hatwood Futrell  
President

Fred van Leeuwen  
General Secretary

May 2001

## Introduction 9



## Africa 15

Algeria 16

Angola 18

Benin 19

Botswana 20

Burkina Faso 22

Burundi 23

Cameroon 25

Cape Verde 27

Central African Republic 28

Chad 29

Congo, Republic of the 30

Congo, Democratic Republic of the 31

Côte d'Ivoire 33

Djibouti 35

Egypt 36

Eritrea 38

Ethiopia 39

Gabon 41

Gambia 42

Ghana 43

Guinea 45

Guinea-Bissau 46

Kenya 47

Lesotho 49

Liberia 50

Malawi 51

Mali 52

Mauritius 53

Morocco 55

Mozambique 57

Namibia 59

Niger 60

Nigeria 62

Rwanda 64

São Tomé and Príncipe 65

Senegal 66

Sierra Leone 68

South Africa 70

Swaziland 72

Tanzania 74

Togo 76

Tunisia 78

Uganda 80

Zambia 82

Zimbabwe 84



## Asia &amp; Pacific 87

Australia 88

Bangladesh 90

Brunei 92

China - Hong Kong 93

Cook Islands 95

Fiji 96

India 98

Indonesia 100

Japan 103

Kiribati 105

Korea (South) 106

Kyrgyzstan 108

Malaysia 109

Mongolia 111

Nepal 113

New Caledonia 115

New Zealand 116

Pakistan 119

Papua New Guinea 121

Philippines 123

Samoa 125

Singapore 127

Solomon Islands 129

Sri Lanka 130

Taiwan 132



## Europe

Thailand	133
Tonga	135
Tuvalu	136
Vanuatu	137
<b>Europe</b>	<b>139</b>
Albania	140
Austria	142
Azerbaijan	143
Belgium	145
Bosnia and Herzegovina	147
Bulgaria	149
Croatia	151
Cyprus	153
Czech Republic	155
Denmark	157
Estonia	159
Faroe Islands	161
Finland	162
France	164
Georgia	166
Germany	168
Greece	170
Hungary	172
Iceland	174
Ireland	175
Israel	177
Italy	179
Latvia	181
Lithuania	183
Luxembourg	184
Macedonia, Former Yugoslav Republic of	185
Malta	187
Moldova	188
Netherlands	190
Norway	192
Palestine	193
Poland	195
Portugal	197

Romania	199
Russian Federation	201
Slovakia	203
Slovenia	205
Spain	206
Sweden	208
Switzerland	210
Turkey	212
United Kingdom	215



## Latin America

<b>Latin America</b>	<b>221</b>
Argentina	222
Brazil	224
Chile	226
Colombia	228
Costa Rica	230
Curaçao	232
Dominican Republic	233
Ecuador	235
El Salvador	237
Guatemala	239
Honduras	241
Mexico	243
Nicaragua	245
Panama	247
Paraguay	248
Peru	250
Uruguay	252
Venezuela	254



<b>North America &amp; Caribbean</b>	<b>257</b>
Anguilla	258
Antigua and Barbuda	259
Bahamas	260
Barbados	261
Belize	263
Bermuda	264



*ILO Recommendation 190:  
Prohibition and Immediate Action  
for the Elimination of the Worst  
Forms of Child Labour* 339

*Main published sources* 343

British Virgin Islands	265
Canada	266
Dominica	268
Grenada	269
Guyana	270
Haiti	272
Jamaica	274
Montserrat	276
Saint Kitts and Nevis	277
Saint Lucia	278
Saint Vincent and the Grenadines	279
Suriname	280
Trinidad and Tobago	281
United States of America	282

## *Appendices* 285

<i>UN Convention on the Rights of the Child</i>	287
<i>ILO Convention 29: Forced Labour</i>	300
<i>ILO Convention 87: Freedom of Association and Protection of the Right to Organise</i>	307
<i>ILO Convention 98: Right to Organise and Collective Bargaining</i>	311
<i>ILO Convention 100: Equal Remuneration</i>	314
<i>ILO Convention 105: Abolition of Forced Labour</i>	317
<i>ILO Convention 111: Discrimination (Employment and Occupation)</i>	319
<i>ILO Convention 138: Minimum Age</i>	322
<i>ILO Convention 169: Indigenous and Tribal Peoples</i>	327
<i>ILO Convention 182: Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour</i>	336

The dictionary defines a barometer as "an instrument for measuring atmospheric pressure, usually to determine weather changes", or "anything that shows change or impending change" [Collins English Dictionary Updated Edition, 1995].

Education International's 2001 Barometer on Trade Union and Human Rights in the Education Sector focuses on four fundamental human rights - the right to education, academic freedom, children's right to be protected from exploitation and workers' rights to form and join trade unions, to organise and bargain collectively. The aim of the Barometer is to demonstrate the inter-relationship of these four internationally established rights and to measure and monitor the extent to which, in each country where Education International has members, they are respected.

Making change is more important, however, than measuring change. This and successive editions will, we hope, help set priorities and galvanise EI and its member organisations to even greater efforts to secure these vital rights.

Since 1998 EI membership has extended to include organisations in five additional countries or territories, bringing the total of countries and territories covered in the Barometer to 155. We welcome to the Barometer for the first time: Azerbaijan, Georgia, Kyrgyzstan, Palestine and Sao Tome & Principe.

This edition of the Barometer has drawn, wherever possible, on information available from member organisations. Member organisations also had the opportunity to read an initial draft and provide corrections and supplementary information. This was enormously helpful. The main published sources of information are listed at the end of the book. Many of those sources are also available on the Internet.

For each country where EI has member organisations this Barometer lists two vital statistics - the population under 15 years of age as a percentage of the total population and life expectancy at birth. The number of young children in a country is one significant indicator of the challenge facing a government if they are to fulfil their obligation to provide quality education at least to the minimum age for employment as established by ILO Convention 138. Life expectancy data is an expression of the overall well-being of each society. If available, we have recorded separate figures for males and females.

As a measure of the well being of children in a particular country, EI has chosen to reproduce the *Child Risk Measure*, a new concept devised by UNICEF. The 1998 edition of the Barometer simply recorded whether or not a country had ratified the UN Convention on the Rights of the Child (CRC). As all but a handful of countries have ratified that Convention, it is appropriate to attempt to measure to what extent it is being implemented.

The *UNICEF Child Risk Measure* is a serious attempt to capture in numerals some of the risks a child faces until the age of 18. Three developmental factors have been assessed: the under five mortality rate in 1997, malnutrition (based on per-

centage of children moderately or severely underweight [1997-98]), and the percentage of primary school age children not attending school. Two other important factors - exposure to armed conflict and exposure to HIV/AIDS (prevalence rate for 15 to 49 year olds in 1997) have also been taken into account. The higher the figure, for example in the 90s, the greater the risk to survival faced by children. The lower the figure, for example, under 5 being at the top of the scale, the greater the likelihood of children reaching maturation and being healthy and literate. UNICEF admits that CRM is in its infancy. It does not at this stage take into account such important factors as child labour and sexual exploitation. It was not able to take into account some important risks that children face in industrialised countries - such as 'latchkey loneliness'.

Where no *Child Risk Measure* is provided, it is because UNICEF was unable to access sufficient data on the key factors.

## Education Rights

The *Universal Declaration of Human Rights*, adopted and proclaimed by the United Nations General Assembly on 10 December 1948, stated unequivocally in Article 26 (1):

*Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*

EI has extended to ten the number of indicators in this edition of the Barometer. Those indicators, with the new ones asterisked, are:

- illiteracy - the estimated number of adults (15 years and over) expressed as a percentage of the population in the corresponding age group;
- \*pre-primary gross enrolment - total enrolment in education preceding primary education expressed as a percentage of the population age group corresponding to the national regulations for this level of education;
- school life expectancy - the number of years that a child is expected to remain at primary and secondary school and in tertiary education;
- net enrolment first level - the percentage of children of the official school age for primary education who are enrolled in primary school;
- % of 1995 cohort reaching grade 5 - percentage of children starting primary school who eventually attain grade 5;
- primary pupil teacher ratio - the average number of pupils per teacher at the primary level;
- secondary gross enrolment - the total enrolment in secondary education, regardless of age, divided by the population of the age group which officially corresponds to secondary schooling;

- tertiary students per 100,000 inhabitants – number of students enrolled in tertiary (or higher education ) per 100,000 inhabitants;
- % of GNP spent on education – total public expenditure on education expressed as a percentage of the Gross National Product;
- % of Government expenditure on education – total public expenditure on education expressed as a percentage of total government expenditure.

Unless otherwise noted, basic data and definitions derive from the mass of statistical information provided by UNESCO in the *World Education Report 2000*. The latest UNESCO figures are for 1996, except for the illiteracy figures which are for 1997. Wherever possible more up-to-date material has been provided. The main sources for more recent data have been the *UNESCO Education for All 2000 Assessment Country Reports* and EI member organisations who have sourced information directly from their governments' official statistics.

The 2001 Barometer includes, for the first time, some data on early childhood education.

The text on education rights notes whether schooling is compulsory and up to what level. Wherever information has been readily available, a short description of the education system is included. It also aims to highlight the extent to which quality public education is available to girls and boys equally and is meeting the needs of all children, particularly those from minority groups and those from communities of Indigenous peoples as well as those of children with disabilities and with special needs. As the Convention on the Rights of the Child states, education should be directed, amongst other things, to the development of respect for the child's own cultural identity, language and values as well as for civilisations different from his or her own [Article 29].

## Academic Freedom

The first edition of the Barometer made some reference to academic freedom under the section on education rights. The 2001 Barometer introduces a separate section on academic freedom. This focuses on academic freedom in higher education, specifically in universities. While access to higher education is covered under the section on education rights. The trade union rights of higher education personnel is under the section on trade union rights. Academic freedom is a separate but an equally essential component of sustainable development and democracy.

In this edition the aim is very modest. It is only to identify briefly whether or not academic freedom is respected in law and in practice. There has been no attempt to explore some of the more complex issues relating to academic freedom, such as the impact of privatisation or severe resource constraints.

The definition of academic freedom used by the Barometer is that contained in the UNESCO 1997 *Recommendation Concerning the Status of Higher-Education*

*Teaching Personnel.* Article 27 defines academic freedom as "the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher- education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source".

## Child labour

By child labour Education International means any work that endangers a child's physical, mental, spiritual, moral or social development or that interferes with his or her education and schooling.

Children gain a great deal by helping out at home and learning alongside family members, for example, on the family farm or in the family business. It is all part of growing up. But when work hurts rather than helps them, children's work becomes child labour.

There is a strong correlation between poor access to education and high levels of child labour. Regardless of levels of wealth or poverty, where States have provided compulsory, free, primary and secondary education, child labour is not a significant problem. Where they have not, it is. Lack of access to school is a major factor in the persistence of child labour, just as child labour remains a major obstacle to the achievement of education for all. No region of the world can be complacent. Child labour, including some of the worst forms of child labour, has become more visible in every region over the past decade.

Since publication of the first EI Barometer, a new ILO Convention on the Worst Forms of Child Labour has been negotiated and it was unanimously adopted in June 1999. By April 30 2001, 71 countries had ratified it – a record number for that period of time. This Convention provides that States ratifying it "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency" [Article 1]. It requires that States take account of "the importance of education" in eliminating child labour and "ensure access to free, basic education and, wherever possible and appropriate, to vocational training, for all children removed from the worst forms of child labour" [Article 7]. The full texts of the Convention and of Recommendation 190, which supplements it, are included in the appendices.

ILO Convention 138 is the Minimum Age Convention, 1973. It sets a basic minimum age of 15 for starting work (or older if the age of ending compulsory schooling is older). Light work is allowed between the ages of 13 and 15, and dangerous work is forbidden to anyone under 18 years old. The Convention also provides for

exceptional cases where these age limits may be slightly lower.

Most countries have laws against child labour. The 2001 Barometer states what those laws are and describes the extent to which they are observed in practice. Information was drawn from sources such as United States Department of State Country Reports on Human Rights Practices – 2000, from ILO sources, from ICFTU reports prepared for the World Trade Organisation on a country's compliance with the core ILO labour standards and from the Global March Against Child Labour report *Out of the Shadows*.

The Barometer also highlights examples of campaigns and programmes involving EI member organisations that are making a real contribution to the elimination of child labour.

The best contribution we can make, however, is to ensure access to quality early childhood education and to compulsory, free primary and secondary education for every child.

## Trade Union Rights

The Barometer highlights the ILO Conventions that provide for fundamental labour rights and Convention 169 on Indigenous and Tribal Peoples. The core Conventions cover Forced Labour (No. 29), Freedom of Association and Protection of the Right to Organise (No. 87), Right to Organise and Collective Bargaining (No.98), Equal Remuneration (No.100), Abolition of Forced Labour (No.105), Discrimination (Employment and Occupation) (No.111), Minimum Age (No.138), and the new Worst Forms of Child Labour Convention (No.182).

The section on trade union rights summarises the extent of trade union rights in each country. Most of this information was drawn from the ICFTU Annual Survey of Violations of Trade Union Rights and the U.S. State Department Country Reports on Human Rights Practices – 2000. It then focuses on whether teachers and other education personnel have the right to form and join unions – freedom of association – and the right to organise, to bargain collectively and to strike. This section draws on EI's files and reports and on information from member organisations.

Finding strategies to ensure that the human and trade union rights of teachers and other education staff are fully respected is vital. Only then will the teaching profession be able to exercise its responsibilities to the full and provide high quality education for all. EI hopes that the Barometer will be a useful tool in that process.



## Democratic and Popular Republic of Algeria

Population: 31,133,486

Population < 15:	35%	% GNP spent on education:	N/A
Illiteracy:	24.5m/47.3% <sup>f</sup>	Life expectancy at birth:	68m/71f
Pre-primary gross enrolment:	2%	School life expectancy [years]:	11.4m/10.1f
Net enrolment first level:	97% <sup>m</sup> /91% <sup>f</sup>	% 1995 cohort reaching grade 5:	93m/95f
Secondary gross enrolment:	63%	Tertiary students per 100,000:	1,238
Primary pupil teacher ratio:	27	% govt. expenditure on education:	N/A

Child Risk Measure: 26 [reg.av. Middle East/North Africa 24]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** The Algerian educational system, long patterned after the French, was changed by a programme of arabization shortly after independence in 1962. By 1990, Algerian teachers and teachers recruited from other Arab countries at all levels reached over 93 percent. Primary education in Arabic has been free and compulsory between the ages of six and 15 since 1975. In the years following this reform there was great disparity between boys and girls attending school, and girls were especially under-represented in the six Saharan departments in the south of the country. Recent statistics show that over 90 percent of girls now enrol at the 1st grade. Although adult illiteracy remains high, the national literacy rate at the time of independence was less than 10 percent, and progress has been noteworthy although the focus has been on the education of school-age children. Islam is the state religion and its study is a strict requirement in primary and secondary schools, all of which are regulated by government departments. Although the National Charter acknowledges Amazigh culture and language as components of the country's identity, the President stated in 1999 that their language would never be officially recognised. There are more than 16 universities and regional university centres. Only the University of Algiers predates independence. There are a number of state institutes providing specialised technical, agricultural, vocational and teacher training. Social pressure against women pursuing higher education exists nation-wide but is stronger in rural areas. Nonetheless, women do graduate and enter such professions as medicine, law and teaching. Between 1992 and 1999, the armed wing of the Islamic Salvation Front [FIS], conducted a terrorist campaign, murdering about 100,000. The FIS randomly targeted civilians. They also targeted schools, particularly girls' schools, murdering teachers and students. A partial amnesty, designed to promote national reconciliation, was agreed to early in January 2000 but a remnant of the FIS continues to fight.

**ACADEMIC FREEDOM:** During the years of civil turmoil with the FIS there was a mass exodus of university professors, lecturers and the intelligentsia. The government interfered with academic freedom between 1992 and 2000, and was especially wary of religious, political and economic subjects. Academic seminars, conferences, and university courses are now somewhat less likely to be a matter of concern and tertiary educators are returning to Algeria in significant numbers.



**CHILD LABOUR:** The minimum age for employment is 16 years. Inspectors from the Ministry of Labour enforce the minimum employment age by making periodic or unannounced inspection visits to public-sector enterprises. They do not effectively enforce the law in the agricultural or private sectors. Economic necessity compels many children to resort to informal employment, such as street vending.

**TRADE UNION RIGHTS:** Workers have the right to establish trade unions of their choice but are required to obtain government approval. The law provides for collective bargaining for all unions, and the government permits this right to be practised. Under the state of emergency, the government was empowered to require workers in both the public and private sectors to stay at their jobs in the event of an unauthorised or illegal strike; to order the temporary closure of assembly places; and to ban demonstrations likely to 'disturb the peace or public order'. The right to strike is restricted by lengthy pre-strike procedures, including 14 days of mandatory conciliation, mediation or binding arbitration. If no agreement is reached in arbitration workers can go on strike after voting by secret ballot. There were a number of strikes at several universities in 1999. Professors and students were protesting low salaries, inadequate accommodation, and large class sizes. The government made some minor concessions. El affiliate, SATEF, is recognised by the Ministry of Education as a consultative and negotiating body.

Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	44% <sup>m</sup> /72% <sup>f</sup>	Life expectancy at birth:	46
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 96 [reg. av. 61]

Ratification of ILO Conventions:











**EDUCATION RIGHTS:** Civil war has plagued Angola since independence in 1975. Serious fighting resumed in late 1998. The UN estimated that in 1999 more than two million people were internally displaced and left homeless. The Ministry of Education has meagre resources and barely functions. Most educational buildings are partially or totally damaged and lack basic equipment and teaching materials. Teachers are chronically unpaid. A million children are estimated to be out of school and have no prospect of an education. The country's only university, the University of Agostinho Neto, is in the capital, Luanda.

**ACADEMIC FREEDOM:** Academic life has been severely curtailed by the civil war. In 1999, a university rector was dismissed for political reasons. The dismissal led to a strike by the university faculty.

**CHILD LABOUR:** The legal minimum age for employment is 14 years. However, family-based child labour in the subsistence agricultural sector is common. Child labourers are also prevalent in other sectors of the informal economy, especially in domestic service. Even before the resumption of the civil war in 1998, UNICEF reported 5,000 abandoned, orphaned or run-away children living on the streets of Luanda. Many street children resort to petty crime, and begging. It is estimated a thousand of them are sexually exploited in prostitution. Children living in UNITA-controlled areas are recruited by force into military units. Girls are recruited forcibly to serve as porters, and camp followers. There are widespread, credible reports that girl 'recruits' are sexually abused.

**TRADE UNION RIGHTS:** The Constitution provides for the right to form and join trade unions, engage in union activity, take strike action, and to organise and collectively bargain, but the government does not consistently respect these rights in practice. The ILO has deemed as forced labour a law that permits the government to force workers back to work for breaches of worker discipline and participation in strikes. The average monthly salary of urban wage earners was far below what is required for basic subsistence. There were several public sector strikes in 1999 over deteriorating salaries and conditions. Public employees received a pay increase as a result of the strike action.

El member organisation / Membership:

to Nacional de Profesores [SINPROF] / 20,000

Population < 15:	47%	% GNP spent on education:	3.2%
Illiteracy:	47.9% <sup>m</sup> /78.5% <sup>f</sup>	Life expectancy at birth:	53
Pre-primary gross enrolment:	3%	School life expectancy [years]:	N/A
Net enrolment first level:	80% <sup>m</sup> /47% <sup>f</sup>	% 1995 cohort reaching grade 5:	64% <sup>m</sup> /57% <sup>f</sup>
Secondary gross enrolment:	26% <sup>m</sup> /11% <sup>f</sup>	Tertiary students per 100,000:	256
Primary pupil teacher ratio:	56	% govt. expenditure on education:	15.2%

Child Risk Measure: 45 [reg.av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Benin is an extremely poor country and the majority of its citizens are illiterate.

Though education is compulsory for children of age six to 11, only about 60 percent of primary-school-age children and about 10 percent of secondary-school-age students attend school, and the majority is male. Although female literacy is only 16 percent, primary school pass rates in recent years have improved, with the number of girls in school who reach grade five almost equalling the rate for boys. Higher education is provided to more than 8,800 students at the National University in Cotonou.

**ACADEMIC FREEDOM:** In general academic freedom is respected.

**CHILD LABOUR:** The Labour Code prohibits the employment or apprenticeship of children under 14 years of age although light work is permitted from the age of 12. The Ministry of Labour is only able to enforce the code in the formal sector. Children commonly work on rural family farms, and in small businesses. Many rural children are sent to cities often on the understanding that in return for performing domestic chores they will be given an education. Host families do not always honour their part of the bargain. The government launched a campaign in 1999 to alert parents to the risks of exploitation and to inform children of their rights. The government and NGOs have acted to curb trafficking in Beninese children for the purposes of forced labour or prostitution in other countries. Most victims are abducted or are induced by misrepresentation by traffickers. Police and gendarmes have intercepted child smugglers, and arrested those responsible. Nearly 1,400 children were returned to their families between 1996-1998. Further border interceptions were reported for 1999-2000. EI's Benin affiliates have begun a joint campaign against child labour.

**TRADE UNION RIGHTS:** The Constitution provides workers with the freedom to organise, join unions, meet, and strike, and the government usually respects these rights. About two percent of the workforce is engaged in the formal sector and some 75 percent of those employed in the sector are unionised. During

EI member organisation / Membership:

- Syndicat National de l'Enseignement Primaire Public du Bénin (SNEP) / 6,000
- National des Enseignements Maternel et Primaire du Bénin (SYNEAMP) / 5,000
- National des Enseignements Secondaire Technique et Professionnel (SYNESTP) / 2,000

Population < 15:	41%	% GNP spent on education:	10.3%
Illiteracy:	28% <sub>m</sub> /23% <sub>f</sub>	Life expectancy at birth:	47
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	11.3
Net enrolment first level:	79% <sub>m</sub> /83% <sub>f</sub>	% 1995 cohort reaching grade 5:	87% <sub>m</sub> /93% <sub>f</sub>
Secondary gross enrolment:	61% <sub>m</sub> /68% <sub>f</sub>	Tertiary students per 100,000:	587
Primary pupil teacher ratio:	25	% govt. expenditure on education:	21.8%

Child Risk Measure: 42 [reg.av. 61]

Ratification of ILO Conventions:

29 87 98 100 105 111 138 189 182

**EDUCATION RIGHTS:** The government allocates the largest portion of its operating budget to education and provides seven years of free primary education. However, attendance is not compulsory and between 10 and 17 percent of children never attend school. Female literacy is slightly better than for males. Fewer than 20 percent of students complete secondary schooling. The official language is English and the national language is Setswana, which is spoken by Tswana, the largest ethnic group. Non-Tswana groups are dissatisfied that schooling is not provided in their own languages. The Basarwa or San, an Indigenous people, make up about three percent of the population and are a marginalised group with little access to education. About 8,500 students are enrolled in higher education institutions, which includes the University of Botswana in the capital, Gaborone. The sexual exploitation and harassment of girls by men in positions of authority, including teachers, is a serious problem of national concern.

**ACADEMIC FREEDOM:** The government respects academic freedom.

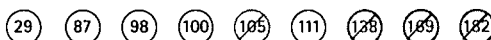
**CHILD LABOUR:** Only an immediate family member may employ a child 13-years-old or younger, and no juvenile under 15 years may be employed in any industry. No person under 16 years is allowed to perform hazardous labour, including mining. The ILO's estimate for child labour in the country in the 10 – 14 age group equates with the number of children not in school. Botswana, as at December 1999, was the worst country in sub-Saharan Africa infected with the HIV/AIDS virus. As a consequence there are 26,000 registered orphans, and UNICEF estimates that there are another 40,000 unregistered. This represents nearly ten percent of the population of Botswana under age 18. The government subscribes to the UN Convention on the Rights of the Child and reviews its laws to be in conformity with its provisions. The Adoption Act, for example, has been reconsidered to ensure that adopted children are provided for and not exploited as cheap labour. There are increasing numbers of street children engaging in prostitution in Gaborone.

**TRADE UNION RIGHTS:** Trade unions continue to face some legal restrictions, and the government does not always ensure that labour laws are observed. In practice all workers, with exception of government employees, including teachers, are free to join or organise unions of their own choosing. Teachers and civil servants may form associations that function as quasi-unions but without the right to negotiate wages. Elected trade union officials have to work full-time in the industry or sector the union represents, which means in effect, that Botswana has no full-time union officials.

Population < 15:	48%	% GNP spent on education:	N/A
Illiteracy:	68.9% <sup>m</sup> /88.1% <sup>f</sup>	Life expectancy at birth:	44
Pre-primary gross enrolment:	2%	School life expectancy (years):	N/A
Net enrolment first level:	37% <sup>m</sup> /24% <sup>f</sup>	% 1995 cohort reaching grade 5:	75% <sup>m</sup> /77% <sup>f</sup>
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	83
Primary pupil teacher ratio:	50	% govt. expenditure on education:	5.1%

Child Risk Measure: 60 [reg.av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Burkina Faso is one of the poorest countries in the world. Primary net enrolment only improved from 27 to 31 percent between 1990-96, and secondary school enrolments rose from nine to 10 percent. The improvement in female literacy was insignificant. During the same period government expenditure on education declined from 11.1 to 5.1 percent. The government has set up a scholarship programme for female secondary students to encourage them to stay at school. The University of Ouagadougou, the Polytechnic University of Bobo-Dioulasso, and the Yalgao Ouédraogo National Hospital Centre have a combined enrolment of approximately 9,500 students.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Labour Code sets the minimum age for employment at 14 years with light work permitted from age 12. Most children actually begin work at an earlier age on family subsistence farms, in the traditional apprenticeship system, and in the informal sector. There are credible reports of trafficking in girls for the purposes of forced prostitution or domestic servitude.

**TRADE UNION RIGHTS:** The 1962 Labour Code has been amended several times during the past decade, most recently in 1996. Under this legislation, workers, including civil servants, traditionally have enjoyed a legal right to freedom of association. The Constitution provides for the right to strike. However, amendments to the Code allow the authorities to requisition striking civil servants. Collective bargaining is extensive in the formal wage sector. Burkina Faso unions held a two-day general strike in June 1999, calling for higher wages and pensions and opposing planned public sector reforms that would result in some public servants being employed on contracts that would weaken their right to take strike action. Rather than negotiate these and other issues, the government responded with an anti-union campaign. Strikebreaking committees were formed and a campaign of misinformation was put in place.

El member organisation / Membership:

• Syndicat National des Enseignants Africains du Burkina (SNEA-B) / 6,000

† National des Enseignants du Secondaire et du Supérieur (SNESS) / 2,000

Population < 15:	47%	% GNP spent on education:	4%
Illiteracy:	45.7% <sup>m</sup> /63.9% <sup>f</sup>	Life expectancy at birth:	42
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	7%	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	50	% govt. expenditure on education:	18.3%

Child Risk Measure: 74 [reg.av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Ethnic violence of the last decade of the 20th Century arrested the development of Burundi and deprived most Burundian children of any kind of meaningful education. Some regions were more affected than others and although the government now provides some primary education throughout the country many children are unable to attend school because of fees, lack of classes and a severe shortage of teachers. In recent years the government has increasingly resorted to using unqualified teachers. A number of children attend church-owned schools. There are recent reports that, at some secondary schools, teachers have been obliged by the local authorities to falsify examination results by giving undeserved high marks. Ostensibly this is done to 'pacify the public.' The Ministry of Family and Social Affairs, supported by NGOs and UNESCO has recently introduced some education programmes for Twa, a nomadic hunter-gatherer peoples. Although the University of Burundi is basically a Tutsi institution some foreign financed scholarships, administered by the Ministry of Education, are available for Hutu students. There were only 4,250 students enrolled in higher education in 2000.

**ACADEMIC FREEDOM:** Politically and ethnically motivated murders occurred on campus in the mid-1990s at the University of Burundi, and there are still occasional clashes between Tutsi and Hutu students. There are no laws or regulations limiting academic freedom. No member of the University faculty has been prosecuted or dismissed for what they published or said.

**CHILD LABOUR:** Although the Labour Code states that children under the age of 16 may not work, at least 30 percent of children under the age of 14 are not in school. As there is little or no work these children are either at home or on the streets. The minimum age for military service is 18, but there are believed to be some children below that age in the army.

**TRADE UNION RIGHTS:** The Labour Code nominally protects the rights of workers to form unions. The public sector, excepting security services, is unionised. The law provides workers with restricted right to strike and recognises the right to collective bargaining in theory. However,

in practice collective bargaining is stymied. The right of association involves 'public meetings' and such gatherings require prior authorisation. Local authorities are inclined to refuse permission. Tripartite meetings rarely occur and reports indicate that when they do occur it is not to defend the position of the workers. The government interferes with union activities and typically imposes its own officials on union leadership. In May 2000, the workers' delegate at the ILO Annual Conference in Geneva was a government appointee. He had earlier that year been excluded from the union centre and could not be said in any sense to represent the workers of Burundi. In the private sector, wages are set in fixed scales in individual contracts. In the public sector, the government sets wages without consultation with the workers.





Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	20.6m/34.4%f	Life expectancy at birth:	54m/56f
Pre-primary gross enrolment:	10%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	32m/22%f	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	49	% govt. expenditure on education:	N/A

Child Risk Measure: 47 [reg.av. 61]

Ratification of ILO Conventions:

29 87 98 100 105 111 126 189 182

**EDUCATION RIGHTS:** The Constitution provides for a child's right to education, and schooling is compulsory to the age of 14. Public education bore the brunt of fiscal retrenchment during the 1990s, and government expenditure on education shrank from 4.2 percent of GDP in 1992-93 to an estimated 1.8 percent of recorded GDP in 1998-99. This has increased the cost of schooling and forced many families to forego sending their children to school. In pro-opposition districts, especially Douala, a large number of unlicensed schools sprang up in the latter years of 1990s as a response to deterioration in state funding for education. The government closed 180 such schools in 1998 and dozens more in 1999. There are a number of Roman Catholic, Protestant, and Koranic primary and secondary schools and they are well regarded. The gap in school attendance rates between boys and girls is nine percent nationally and 14 percent in the three northern provinces. This disparity is reflected in the literacy rate, and in higher education and university enrolments. Cameroon, at independence in 1960-61, was a merger of French and British UN Trustee territories. The two Anglophone provinces complain of discrimination in education. A total of 70,000 students are enrolled in institutions of higher education, which include the University of Ngaoundere, the University of Yaounde, and the Catholic University of Central Africa.

**ACADEMIC FREEDOM:** Free political discussion at the Universities is dampened by the presence of armed government security forces, and state security informants operate on all campuses. Membership of an opposition political party can adversely affect tenure and advancement. A professor at the University of Douala has been subjected to prolonged harassment. He is the national secretary of an opposition political party.

**CHILD LABOUR:** The Labour Code forbids the employment of children under the age of 14. However, the state lacks an effective inspection programme. In rural areas, many children begin work at an early age on family farms. Often, relatives employ girls as domestic helpers, while urban street vendors are under 14 years of age. Although the Constitution prohibits forced

or bonded labour, there are credible reports that slavery continues to be practised in the Lamidat of Rey Bouda, an isolated traditional kingdom in the North Province. According to credible reports girls are trafficked into the cities with the promise of work but are forced into prostitution and other worst forms of child labour. In 1999, there was a media report of young girls in Douala being seized as they left school and being subsequently sold.

**TRADE UNION RIGHTS:** Under the 1992 Labour Code, prior authorisation is required from the Minister of Territorial Administration before a trade union or professional association of public servants can legally exist. The government has ignored applications for registration from teachers' and public servants' organisations, and consequently considers their strikes illegal. The ILO's Committee on Freedom of Association noted that the government has failed since 1991 to recognise the National Union of Teachers of Higher Education [SYNES]. There remain serious salary arrears in the education sector. In 1999, university teachers and high school teachers, who are generally state employees, won concessions from the government after issuing strike threats.

Population < 15:	44%	% GNP spent on education:	N/A
Illiteracy:	17.3% <sup>m</sup> /36.3% <sup>f</sup>	Life expectancy at birth:	66m/72f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	55%	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** In 1998, the government extended free, compulsory education to six years for all children. This covers children from ages six to 12. UNICEF's latest data shows primary school attendance as approximately 97 percent. Portuguese is the language of instruction, although the population commonly speaks a dialect, Crioulo. There are no schools or trained teachers for physically or intellectually disabled children. Students traditionally travel abroad, often to Portugal, for higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Cape Verdean Institute for Children was revised so that it could implement norms established by the UN Convention on the Rights of the Child. The legal minimum age for employment is 14 years. The law prohibits children under the age of 16 from working at night, more than seven hours per day, or in establishments where toxic products are produced. In practice the Ministry of Justice and Labour enforces minimum age laws with limited success, and then only in the urban, formal sectors of the economy. The sexual exploitation of children and related worst forms of child labour are continuing problems.

**TRADE UNION RIGHTS:** Workers are legally free to form and join unions without government authorisation or restriction. The Constitution provides union members with the right to strike. Workers and management in both private and public sectors have a right to bargain collectively but the government, the country's largest employer, continues to set wages in the public sector which has a roll-on influence on wage negotiations in the smaller private sector. The ILO has criticised the government for its failure to promote free collective bargaining. The government is unable to provide the ILO with any examples of signed collective agreements.

El member organisation / Membership:

Associação dos Professores (FECAP) / 2,100

Population: 3,444,951

Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	43.8% <sup>m</sup> /69.7% <sup>f</sup>	Life expectancy at birth:	45
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 62 [reg.av.61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is compulsory between the ages of six and 14 years. At the primary level, females and males enjoy equal access to education, but the majority of young women drop out at age 14 or 15 due to social pressure to marry and bear children. Only 20 percent of the students at the University of Bangui are women. A low level of government expenditure on education and salary arrears has resulted in a growing shortage of teachers, in particular qualified teachers. An Indigenous population, the Ba'aka, who make up one to two percent of the population, are socially and economically discriminated against, and do not have access to schooling. There are approximately 4,000 students enrolled in tertiary institutions.

**ACADEMIC FREEDOM:** University faculty and students express their views, including political opinions, without fear of reprisal.

**CHILD LABOUR:** Employment of children under 14 years of age is forbidden by law. The Ministry of Labour only loosely enforces the provision. In practice child labour is common in many sectors of the economy, especially in rural areas. A credible report states that in some rural areas the government's strikebreaking supply teachers use school children as labour on farms. Child prostitution is an increasing problem, particularly in Bangui.

**TRADE UNION RIGHTS:** Under the Labour Code, all workers are free to form or join unions of their choosing without prior authorisation. Unions have the right to strike in both public and private sectors. The Code does not specifically provide that unions may bargain collectively. While collective bargaining has nonetheless taken place in some instances, the government is usually involved in the process. As reported in the 1st edition of the EI Barometer, the government's failure to pay salaries and salary arrears is a serious problem. By February 1999, public sector workers had not been paid for 11 months. Teachers had been striking intermittently since October 1997 over salary arrears and continued to do so throughout 1999. The government responded by using supply teachers to replace them.

It suspended, sacked, demoted or expelled 55 teachers from their government-owned homes for going on strike. Other teachers were intimidated and forced back to work.

EI member organisation / Membership:

Union Syndicale des Enseignants de Centrafrique [FSEC] / 4,001

Population < 15:	48%	% GNP spent on education:	1.7%
Illiteracy:	36% <sup>m</sup> /62.9% <sup>f</sup>	Life expectancy at birth:	47
Pre-primary gross enrolment:	1%	School life expectancy [years]:	3.9
Net enrolment first level:	59% <sup>m</sup> /33% <sup>f</sup>	% 1995 cohort reaching grade 5:	62% <sup>m</sup> /53% <sup>f</sup>
Secondary gross enrolment:	15% <sup>m</sup> /4% <sup>f</sup>	Tertiary students per 100,000:	51
Primary pupil teacher ratio:	67	% govt. expenditure on education:	N/A

Child Risk Measure: 67 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Public education is inadequately funded and there are no provisions for compulsory education. The percentage of girls enrolled in secondary school is extremely low, primarily because of early marriage. There are fewer than 3,900 students enrolled in institutions of higher education, which includes the country's only university, the University of Chad.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Labour Code stipulates that the minimum age for employment in the formal sector is 14 years. The government does not enforce the law, but in practice children are rarely employed except in agriculture and herding, where child labour is nearly universal. The prohibition on forced and bonded labour by children is not effectively enforced and there are reports of slavery, forced and compulsory labour by children among rural farming and herding communities as well as in military installations in the north of the country where there is an armed insurgency movement opposed to the government.

**TRADE UNION RIGHTS:** The Constitution recognises freedom of association and union membership as well as the right to strike. The Constitution and the Labour Code do not specifically protect collective bargaining. The main labour organisation is the Federation of Chadian Unions, UST. El affiliate, SET, the largest union in Chad, broke off its association with UST in 1998 and is now independent. Periodic strikes over unpaid teacher salaries have occurred in recent years

El member organisation / Membership:

- Confédération des Enseignants du Tchad (SET) / 8,600



Population: 2, 716,814

SEE FOOTNOTE

Population < 15:	42%	% GNP spent on education:	6.1%
Illiteracy:	15.3% <sup>m</sup> /30% <sup>f</sup>	Life expectancy at birth:	49
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	40% <sup>m</sup> /78% <sup>f</sup>
Secondary gross enrolment:	62% <sup>m</sup> /45% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	70	% govt. expenditure on education:	14.7%

Child Risk Measure: 51 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Schooling is free and compulsory for children between the ages of six and 16 years. Limited resources severely hinder achievement of this objective. The civil war in 1997, and further conflict in 1998-99, displaced about a third of the population and many southern towns, including schools, were destroyed. Ethnic discrimination is prohibited by the Fundamental Act which superseded the Constitution following the 1997 *coup d'état*. However, an ethnic minority, the Babinga/Baguielli, do not enjoy equal treatment in Congolese society and remain severely marginalised in areas such as education. The Country's only university, Marien-Ngouabi University, in Brazzaville, has approximately 12,000 students.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Ministry of Labour, which is responsible for enforcing child labour laws, concentrates its efforts only on the formal wage sector. Children work in rural areas and in the informal sector. There are allegations that traditional arrangements involving the exploitation of Babinga/Baguielli children continue, whereby Babinga/Baguielli children are 'inherited' by a Congolese 'patron' to whom they are obligated in perpetuity. The number of street children in Brazzaville has increased since the civil conflicts of recent years.

**TRADE UNION RIGHTS:** Soon after taking power in 1997, President Sassou-Nguesso replaced Congo's 1992 Constitution with a new political authority, the Fundamental Act. The Act provides workers with the right to form and join unions of their choice, and affirms the right to strike, subject to conditions and notification of intention. Groups of public servants struck during 1999 in protest at delays in salary payments. The Labour Code, which allows collective bargaining, has not been overturned by the Fundamental Act.

El member organisation / Membership:

- Fédération des Travailleurs de la Science, des Sports, de l'Enseignement, de la Formation et de la Culture (FETRASSEC) / 10,748

FOOTNOTE: The Republic of the Congo is also known as Congo-Brazzaville, Congo, or Congo Republic.

Population < 15:	48%	% GNP spent on education:	N/A
Illiteracy:	23% [unofficial]	Life expectancy at birth:	51
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	32% <sup>m</sup> /19% <sup>f</sup>	Tertiary students per 100,000:	212
Primary pupil teacher ratio:	45	% govt. expenditure on education:	N/A

Child Risk Measure: 76 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (169) (182)

**EDUCATION RIGHTS:** Congolese children suffer from the social disorder and widespread disregard for human rights that affect society as a whole. The situation is exemplified in basic education which is not compulsory or free or universal. Civil turmoil and government policies have degraded the economy and put primary education out of reach of the majority of families. In public schools, parents are formally required to pay a small fee, but are often expected, informally, to pay teachers' salaries. Most schools function only in areas where parents have formed co-operatives. A further complicating factor affecting education is the fact that more than half the country remains under the control of various armed anti-government organisations that operate without policies or programmes. Purportedly, some areas under anti-government control are increasingly integrated financially and administratively with the economies of Rwanda and Uganda. In government held districts, Libyan-trained "People's Power Committees" monitor and report on the activities of citizens in neighbourhoods and workplaces, and on teachers and their classrooms. The Democratic Republic of the Congo has universities at Kinshasa, Lubumbashi, and Kisangani. There are 94,000 tertiary students.

**ACADEMIC FREEDOM:** The 1st edition of the Barometer expressed the hope that academic freedom, severely restricted under Mobutu, would be respected by the new regime. However, repressive tendencies in 1998 became the norm in 1998-99 and 1999-2000. The Libyan-trained "People's Power Committees" includes cadres of teachers and students who monitor university lectures and seminars on behalf of the regime. Individual university staff are intimidated by the threat of having every word of every lecture or tutorial reported on by the agents. University faculties exercise self-censorship and modify the content of courses. University professors and student leaders were among many thousands of civilians arrested, detained, beaten, tortured or in other ways had their human rights badly abused during 1999. In February 1999, Professor Kalala was detained without charges in Kinshasa, where he was beaten and tortured. He was reported on for making a critical oral statement on the poor economy and infrastructure in Katanga, the

<sup>2</sup>President Kabila's home province. In July, University of Lubumbashi sociology professor,

Kambaj wa Kambaji was arrested because he made a critical analysis of the use of ethnic hate radio in Congolese politics. He was held *incommunicado*, and tortured. He was later mistreated while being transported to Kinshasa. After student demonstrations at the University of Kinshasa, the government surrounded the campus with police and military units, and threatened to close the University and expel its 28,000 students.

**CHILD LABOUR:** The legal minimum legal age for employment is 18 years. Employers may legally hire minors between age 14 and 18 with the consent of a parent or guardian, but those under 16 may work a maximum of four hours a day. Employment of children of all ages is common in the informal sector and in subsistence agriculture, which form the dominant portions of the economy. Security forces continue to conscript children, and the government actively encourages children to join paramilitary organisations. There are many child soldiers serving in various rebel armed forces, despite a commitment by the rebels to demobilise children from their ranks.

**TRADE UNION RIGHTS:** Until his assassination in January 2001, President Kabila ruled by decree, unconstrained by a constitution or a legislature. The collapse of the formal economy has resulted in a decline in the influence of unions, a tendency to ignore existing labour regulations, and a buyer's market for labour. Public sector employees were chronically unpaid during 1999 and this led to a number of strikes. The government arrested labour leaders during public sector strikes and allowed private employers to refuse to recognise unions. At least nine trade union leaders were arrested in August 1999 and accused of organising a workers' strike. After being beaten in Kinshasa Police HQ for two days they were released without charge. The government claimed in October 1999 that it would meet public service demands regarding months of unpaid wages and would start to progressively implement a comprehensive, higher public service salary scale. The government has still not met its undertakings and public sector employees continue to be paid sporadically.

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FOOTNOTE: The Democratic Republic of the Congo is also known as Congo-Kinshasa, and formerly as Zaïre.

**El member organisation / Membership:**

- Fédération Nationale de l'Enseignement Supérieur, Science et Culture (FENESCU/UNTC) / 1,800
- Fédération Nationale des Enseignants du Congo (FENECO/UNTC) / 149,769
- Syndicat des Enseignants du Congo (SYECO) / 84,367



Population < 15:	46%	% GNP spent on education:	5%
Illiteracy:	48.1% <sub>m</sub> /65.7% <sub>f</sub>	Life expectancy at birth:	44m/47f
Pre-primary gross enrolment:	2%	School life expectancy [years]:	N/A
Net enrolment first level:	63% <sub>m</sub> /47% <sub>f</sub>	% 1995 cohort reaching grade 5:	77% <sub>m</sub> /71% <sub>f</sub>
Secondary gross enrolment:	34% <sub>m</sub> /16% <sub>f</sub>	Tertiary students per 100,000:	568
Primary pupil teacher ratio:	41	% govt. expenditure on education:	24%

Child Risk Measure: 51 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (126) (189) (182)

**EDUCATION RIGHTS:** Primary education is free and compulsory, but this requirement is not effectively enforced. There is a parental preference for educating boys, which is noticeable throughout the country but more pronounced in rural areas, especially in the north. According to official statistics, 79 percent of males and 58 percent of females of primary school age are enrolled at the 1st grade. Many children leave the formal school system when they are between the ages of 12 and 14, having failed secondary school entrance exams. The Minister of National Education claimed, in 1998, that almost one-third of the primary and secondary school female dropout rate was attributable to pregnancies. The Minister also made the unsubstantiated claim that many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favours in return for good grades or money. In May 1999, the government closed all schools for 17 days, following widespread student protests about educational issues, including overcrowded classrooms. A number of students were arrested. After further demonstrations the government banned the activities of the Federation of High School and University Students [FESCI] activities. Both the secretary and deputy secretary of FESCI suffered life-threatening ill treatment and negligence while in detention. According to Amnesty International scores of student activists from FESCI and school pupils were detained for weeks. The authorities failed to investigate accusations that police frequently used excessive force to restrain demonstrators and that some detainees were tortured and ill-treated. The National University of Côte d'Ivoire in Abidjan, has a yearly attendance of about 21,000. This is approximately forty percent of the number of students enrolled at tertiary level. A substantial number of Côte d'Ivoire university students study abroad.

**ACADEMIC FREEDOM:** Most higher education institutions are under the direct patronage of the government. Student informants operate on the campus of the University of Côte d'Ivoire.

**CHILD LABOUR:** Child labour, forced child labour, and trafficking in children are problems. In instances, the legal minimum working age is 16 years, and the Ministry of Employment and

Civil Service enforces this provision effectively in the civil service and in large multinational companies. However, children often work on family farms, and some children routinely work in the informal sector in cities. There are reliable reports of some use of child labour in informal sector mining and also of children working in 'sweatshop' conditions in small workshops. Cities, especially Abidjan, have large populations of street children. The government has taken steps to rescue street children, including holding parents legally and financially responsible for their abandoned children and the development of training centres where children can learn a trade. The abuse of foreign children is widespread. At least hundreds and perhaps thousands of Malian and Beninese children were trafficked and sold into indentured servitude on Ivorian plantations. The government of Mali, and UNICEF, took steps to halt this trafficking and repatriate the children. In 1998, Beninese police intercepted almost 1,000 children being sold into slavery in Côte d'Ivoire and adjacent countries.

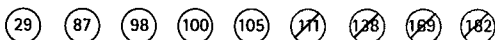
**TRADE UNION RIGHTS:** The law provides workers with the right to form unions. The right to strike is provided by the Constitution and by statute. Collective bargaining agreements are in effect in many major business enterprises and sectors of the civil service. There has been difficulty over the last few years in obtaining recognition for new unions. This has now been rectified. The government is desultory in drawing up annual budgets for the education sector. One consequence of this practice has been that they have been able to take-on well qualified but unemployed teachers at 'the last minute' and to obtain their services for low pay.

**El member organisation / Membership:**

- Syndicat National de l'Enseignement Primaire Public de Côte d'Ivoire [SNEPPCI] / 31,000
- Syndicat National de la Recherche et de l'Enseignement Supérieur [SYNARES] / 1,172
- Syndicat National des Enseignants du Second Degré de Côte d'Ivoire [SYNESCO] / 5,000
- Syndicat National des Enseignants d'Education Permanente de Côte d'Ivoire [SYNADEEPCI] / 2,000

Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	37.8% <sup>m</sup> /65% <sup>f</sup>	Life expectancy at birth:	49 <sup>m</sup> /53 <sup>f</sup>
Pre-primary gross enrolment:	1%	School life expectancy [years]:	3.9 <sup>m</sup> /2.8 <sup>f</sup>
Net enrolment first level:	36% <sup>m</sup> /27% <sup>f</sup>	% 1995 cohort reaching grade 5:	79%
Secondary gross enrolment:	17% <sup>m</sup> /12% <sup>f</sup>	Tertiary students per 100,000:	26
Primary pupil teacher ratio:	34	% govt. expenditure on education:	N/A

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Primary education is compulsory between the ages of six and 12. However the authorities do not monitor compliance. Many schools are in poor condition and need upgrading. The current government expresses a commitment to increasing the number of female students in primary schooling and to a general review of education policy. Of some 1400 children completing primary school only 400 get places in secondary education. Approximately 20 percent of children complete secondary education. Girls make up only 36 percent of all secondary students. Although French is the usual language of instruction there has been a growing emphasis on Islamic teaching, particularly as Saudi Arabia has declared an interest in providing aid for education.

**ACADEMIC FREEDOM:** Djibouti does not have a university.

**CHILD LABOUR:** The law prohibits all labour by children under the age of 14, but the government does not enforce this prohibition effectively. Children are generally not employed for hazardous work. Children may and do work in family-owned businesses, such as restaurants and small shops, at all hours. Many young girls are involved in selling goods on the street.

**TRADE UNION RIGHTS:** The government continued to seriously impede trade union activity, blatantly and systematically interfering in trade union affairs with the aim of destroying independent and democratic unions and replacing them with stooge organisations. As reported in the 1st edition of the Barometer, EI's two affiliates, SYNESED and SEP, are particular targets of repression by the authorities. Under the Constitution, workers are free to join unions and to strike provided they comply with legal requirements, which are restrictive. Teachers' strikes continued throughout 1999, primarily to protest delays in salary payments and a lack of equipment and teaching materials. Kamil Hassan, who had been detained in 1997 as a leader of teachers' strike, was still not permitted to teach in public schools. The repression of trade unionists resulted in dozens of them being forced into exile, including Moussa Djibril Samira, a member of SYNESED's executive committee. In 1999, for the fifth year running, the government did not send a delegation to the International Labour Conference to appear before the Application of Standards Committee, despite commitments made to an ILO Direct Contacts Mission at the beginning of 1998.

EI member organisation / Membership:

- Syndicat des Enseignants du Second Degré (SYNESED) / 121
- Enseignants du Premier Degré (SEP) / 356

Population < 15:	35%	% GNP spent on education:	4.8%
Illiteracy:	35% <sup>m</sup> /59% <sup>f</sup>	Life expectancy at birth:	66
Pre-primary gross enrolment:	9%	School life expectancy [years]:	N/A
Net enrolment first level:	98% <sup>m</sup> /88% <sup>f</sup>	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	80% <sup>m</sup> /70% <sup>f</sup>	Tertiary students per 100,000:	1,895
Primary pupil teacher ratio:	23	% govt. expenditure on education:	14.9%

Child Risk Measure: 21 [reg. av. Middle East and North Africa: 24]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Basic compulsory free education is guaranteed by the constitution for all Egyptian children for nine years, usually between the age of six and 15 years. The number of children enrolled in early childhood programmes increased by 78 percent between 1990-1999. Graduates of the primary schools may attend either a general intermediate school, which prepares for a secondary education, or a technical intermediate school specialising in industrial and agricultural subjects. The secondary school system is similarly divided into general schools, with curricula designed to prepare students for a university education, and technical schools. Illiteracy reduced by 11 percent during the last decade of the 20th Century. The government treats boys and girls equally at all levels of education but girls, particularly in rural areas, complete fewer years of schooling. Small village schools are being operated to help keep girls in school for a longer period of time. The government is committed to eradicating the practice of female genital mutilation and has added the topic and its dangers to the curriculum of the school system. The Education for All (EFA) report for Egypt states that pay and incentives for teachers have been substantially increased, and a large investment made in providing schools with computers and multimedia equipment. Colleges that prepare primary and secondary school teachers have closed and teachers-in-training must now enrol in university degree courses. Egypt has 17 major institutions of higher learning, including 13 universities. Egyptian university education is widely respected in the Arab world. Over 850,000 students are enrolled in higher education.

**ACADEMIC FREEDOM:** Faculty deans are not elected by their peers but are appointed by university presidents. This has been interpreted as indirect interference with academic freedom. The Government has justified the measure as a means to combat Islamist influence on campus. The Egyptian Organisation for Human Rights alleges that security forces identify politically affiliated students at the beginning of each academic year and harass them as a form of control. Students suspected of belonging to a non-violent but unauthorised political group, the Muslim Brotherhood, were arrested at Cairo and Zagazig Universities in August 1999. According to Human Rights Watch the state censors banned scores of book titles and other publications imported by the private American University of Cairo.

**CHILD LABOUR:** Child labour remains widespread although the government is committed to eradicate the problem. The minimum age for employment is 14 in non-agricultural work. Provincial governors, with the approval of the Minister of Agriculture, can authorise seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling. It is prohibited for children to work for more than 6 hours a day. Pre-employment training for children under the age of 12 is prohibited. Although education is compulsory for nine years, Ministry of Health figures indicate that 2 million children between the ages of six and 15 are employed. According to the Minister of Social Affairs there were one million child labourers in the agricultural sector in 1999. Children work as apprentices in repair and craft shops, in heavier industries such as brick making and textiles, and as workers in leather and carpet making factories. While the Ministry of Labour adequately enforces the labour laws in state-owned enterprises, enforcement in family-owned enterprises and in the private sector, is lax. Many child labourers in the informal sector are abused and overworked by their employers.

**TRADE UNION RIGHTS:** Most union members, about 27 percent of the workforce, are employed by state-owned enterprises. All 23 trade unions are required to belong to the Egyptian Trade Union Federation. The ILO has stated that this rule infringes on freedom of association. Collective bargaining is not adequately protected by law and is limited because the government sets wages, benefits and job classifications in the public sector. The law states that any clause in a collective agreement that jeopardises the economic security of the country is invalid. The government considers strikes a form of public disturbance and therefore illegal but an increasing number occurred during 1999, mainly over issues of wage cuts and dismissals and mainly in the public sector.

## State of Eritrea • Population: 3,984,723

SEE FOOTNOTE

Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	70%	Life expectancy at birth:	51
Pre-primary gross enrolment:	4%	School life expectancy [years]:	4.9m/3.7f
Net enrolment first level:	32% <i>m</i> /29% <i>f</i>	% 1995 cohort reaching grade 5:	73% <i>m</i> /67% <i>f</i>
Secondary gross enrolment:	24% <i>m</i> /17% <i>f</i>	Tertiary students per 100,000:	90
Primary pupil teacher ratio:	44	% govt. expenditure on education:	N/A

Child Risk Measure: 74 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** The internal displacement of large numbers of the civilian population during protracted fighting with Ethiopia in 1999 produced an acute humanitarian crisis and seriously curtailed Eritrean children's right to education. Notional education is free and compulsory to grade 7. Due to a shortage of schools and teachers, and the nomadic nature of many communities, 40 percent of the country's children are unable to attend school. Where teachers are available English is now widely taught from age 11. This policy was introduced with a view to reducing inter-ethnic tensions between Eritrea's nine main ethnic groups. The government sponsors education programmes to discourage female genital mutilation, which is a widely accepted practice.

**ACADEMIC FREEDOM:** The government does not restrict academic freedom at the University of Asmara which has over 3,000 students.

**CHILD LABOUR:** The legal minimum age for employment is 18 years, although apprentices may be hired at age 16. Secondary school students are required to participate in a summer work programme, for which they are paid. While the Ministry of Labour and Human Welfare is responsible for enforcement of laws relating to employment of children, there is no inspection system in place to monitor compliance. Rural children who do not attend classes often work on their family farms. The ILO states that over 38 percent of children between the ages of 10 years and 14 years are in the workforce. During the 1999 war with Ethiopia there were reliable reports that police rounded up numbers of secondary school students for military service.

**TRADE UNION RIGHTS:** Since the 1st edition of the EI Barometer in 1998, Eritrea has ratified seven fundamental ILO Conventions. There are restrictions on the right to strike and other basic trade union rights are not as yet in conformity with ILO standards. Tripartite discussions are taking place to review 1991 labour laws, which include laws that exclude public servants and domestic staff and prevent their right to organise in trade unions.

EI member organisation / Membership:  
 rs' Association of Eritrea (TAE) / 7,500

FOOTNOTE: No population census has been taken in Eritrea for more than 30 years.



Population < 15:	47%	% GNP spent on education:	4%
Illiteracy:	58.7% <sup>m</sup> /70.9% <sup>f</sup>	Life expectancy at birth:	43
Pre-primary gross enrolment:	1%	School life expectancy [years]:	N/A
Net enrolment first level:	39% <sup>m</sup> /24% <sup>f</sup>	% 1995 cohort reaching grade 5:	51%
Secondary gross enrolment:	14% <sup>m</sup> /10% <sup>f</sup>	Tertiary students per 100,000:	74
Primary pupil teacher ratio:	43	% govt. expenditure on education:	13.7%

Child Risk Measure: 85 [reg. av. 61]

Ratification of ILO Conventions:

29 87 98 100 105 111 138 169 182

**EDUCATION RIGHTS:** Education is free and compulsory for six years, until the age of 13, but there are insufficient schools or teachers to accommodate all of Ethiopia's school-age children. In 1999, 303 new schools were opened but in many places schools continue to operate shifts and have class sizes of 80-100 pupils. Nation-wide only 52 percent of boys and 31 percent of girls attend primary school. Forty percent leave school before they reach the 2nd grade. Only ten percent of boys and seven percent of girls go on to secondary school. The decentralisation of the education system continued in 1999. The failure of provincial authorities to adequately prepare, plan or consult with teachers before introducing major changes was again a serious problem. In the Welayita speaking sections of the Southern Nations, Nationalities and Peoples' Region State, one of Ethiopia's nine ethnically-based administrative regions, local authorities decided to introduce new textbooks that would merge four languages. The decision to impose a new language of instruction in schools was done without consulting either teachers or the local communities. Student protests at the arrest of two teachers who criticised the new texts developed into widespread demonstrations in the city of Sodo in November 1999. Special police units called in to suppress the demonstrations killed up to ten persons, injured hundreds and arrested nearly 1,000 others. Schools in the area remained closed for two months and about 100 teachers were transferred because of their opposition to the language imposition. In 1998, 24,000 boys and 8,500 girls earned school-leaving certificates but there were places for only a small percentage of these graduates in institutions of higher learning, which are capable of enrolling a total of 44,000 students annually.

**ACADEMIC FREEDOM:** Despite assurances that Addis Ababa University would not be affected by the recent conflict with Eritrea, the University dismissed nine Ethiopian academics of Eritrean origin. Political activity on campus is discouraged and self-censorship applies.

**CHILD LABOUR:** Under the Labour Law, the minimum age for wage or salary employment is 14 years; children between the ages of 14 and 18 years are covered by special provisions. Children may not work more than seven hours per day; work between the hours of 10pm and 6am; work on public holidays

or rest days; or perform overtime work. The authorities make some effort to enforce these regulations within the formal industrial sector but child labour is a pervasive problem. Large numbers of children of all ages harvest crops in the countryside. A 1999 study showed that child labourers working on commercial plantations are grossly exploited, and expected to work 12 hours a day. Involuntary servitude and slavery were officially abolished in 1942, but there are numerous anecdotal accounts of young people, especially girls, being sent by their families into involuntary servitude in Saudi Arabia and other Arabian Peninsula countries to work as house servants and nannies. The exploitation of children for sexual purposes occurs throughout the country. Girl prostitutes, as young as 11 years-of-age, are kept ignorant of the risks of HIV/AIDS. There are an estimated 150,000 street children in Addis Ababa and other urban areas, and their numbers are growing daily. The government's official position is that there is no child labour problem in Ethiopia.

**TRADE UNION RIGHTS:** The Constitution and the Labour Law provide most workers with the right to form and join trade unions and engage in collective bargaining. There has been systematic government supported interference in the Confederation of Ethiopian Trade Unions and its affiliated unions. Leaders in any way critical of government policies have been removed from office by various means. In general, public service employees, including teachers, are excluded from organising a union. The government continues to intimidate and restrict the activities of EI affiliate, the Ethiopian Teachers Association (ETA). In August 1998, the government sealed the ETA executive offices, detained leaders and transferred the assets over to a puppet faction supportive of the government's educational policies.

The 1st edition of the EI Barometer reported that ETA President, Dr Taye Wolde-Semayat [Woldesmiat], had been in prison for over two years. In June 1999, Dr Wolde-Semayat was convicted on false charges of treasonous acts, including plotting violent insurrection and alleged involvement in an underground terrorist organisation. He was sentenced to 15 years imprisonment. His appeal had still not been heard by March 2001. Four co-defendants were given prison sentences ranging from eight to 13 years. Dr Wolde-Semayat has been determined to be a prisoner of conscience by Amnesty International. One of Dr Wolde-Semayat's co-defendants, Kebite Desita, died in March 1999 after three years of ill-treatment in prison, and the following month, Shimaless Zewdie, ETA acting general secretary, died because his health had suffered so drastically during his 1998 imprisonment. An EI Mission to Ethiopia in July 2000 was denied visas to enter the country and an EI regional co-ordinator with a visa was detained at the airport and sent back to Accra on the first available flight. In December visas were again denied but were granted for a mission in March 2001.

The 323rd report of the Committee on Freedom of Association adopted by the ILO Governing Body in November 2000 requested the Ethiopian Government "to take necessary measures to ensure that all the ETA members and leaders detained or charged are released and all charges withdrawn, and to ensure that in future workers are not subject to harassment or detention due to trade union membership activities". It further urged the government "to take necessary measures to ensure that the leaders and members of ETA who have been dismissed are reinstated in their jobs, if they so desire, with compensation for lost wages and benefits". And it reiterated an earlier request for an independent judicial enquiry into the killing by the police of ETA Assistant Secretary Assefa Maru.

EI member organisation / Membership:  
Ethiopian Teachers' Association (ETA) / 120,000



Population < 15:	33%	% GNP spent on education:	N/A
Illiteracy:	23% <sup>m</sup> /43.2% <sup>f</sup>	Life expectancy at birth:	52
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	58% <sup>m</sup> /61% <sup>f</sup>
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	649
Primary pupil teacher ratio:	51	% govt. expenditure on education:	N/A

Child Risk Measure: 32 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (185) (182)

**EDUCATION RIGHTS:** The government has used oil revenue to build schools, to pay adequate teachers salaries, and to promote education, even in rural areas. Schooling is officially compulsory in Gabon for all children between the ages of 6 and 16, though not all children in that age group are as yet able to attend school. There is concern about the problems facing the large community of children of African non-citizens. With few exceptions they have far less access to education and health care. Gabon has technical institutions and teachers colleges, as well as Libreville University which has over 4,000 students.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Children below the age of 16 may not work without the express consent of the Ministries of Labour, Education, and Public Health. These ministries rigorously enforce this law with respect to children, and there are few Gabonese under the age of 18 working in the formal sector. A significant number of children work in marketplaces or perform domestic duties. UNICEF and other concerned organisations have reported that government officials often privately use foreign child labour, mainly as domestic or agricultural help. These children do not go to school, have only limited means of acquiring medical attention and are often victims of exploitation by employers or foster families.

**TRADE UNION RIGHTS:** The Constitution places no restrictions on the right of association and recognises the right of workers to form unions. Public sector employees may unionise and their right to strike is only limited if it could jeopardise public safety. Strikes are legal if they are held after an eight-day notice advising that outside arbitration has failed. The Labour Code provides for collective bargaining. In January 1999, the Minister of Education announced the indefinite closure of all public primary and secondary schools, following a strike by some public school teachers and most university students. However, all affected schools reopened within a month, following the resolution of the strike.

El member organisation / Membership:

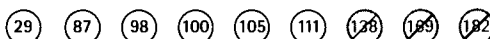
Enseignants de l'Éducation Nationale [SENA] / 1,540



Population < 15 [2000]:	43.8%	% GNP spent on education [2000]:	5%
Illiteracy:	53.3% <sup>m</sup> /73.4% <sup>f</sup>	Life expectancy at birth [2000]:	58.3 <sup>m</sup> /60 <sup>f</sup>
Pre-primary gross enrolment [2000]:	17%	School life expectancy [years]:	N/A
Net enrolment first level:	72% <sup>m</sup> /57% <sup>f</sup>	% 1995 cohort reaching grade 5:	78% <sup>m</sup> /83% <sup>f</sup>
Secondary gross enrolment:	30% <sup>m</sup> /19% <sup>f</sup>	Tertiary students per 100,000:	148
Primary pupil teacher ratio [2000]:	33	% govt. expenditure on education [2000]:	23.9%

Child Risk Measure: 35 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Compulsory primary education between ages seven and 15 is a goal rather than a reality. Only about 52 percent of the eligible age group are enrolled in primary schools. To encourage attendance the government has implemented a 1998 decision to end fees for the first six years of schooling. About 40 percent of children enrolled in primary school and 33 percent at secondary school are girls but the rates for girls are much lower in rural areas. Opportunity for a secondary school education in The Gambia is very limited for both boys and girls, even in urban areas. The government supports health education programmes to eradicate female genital mutilation [FGM]. The President described FGM as part of the country's culture which has been practised for many years and thus the need to educate the general public about the health hazards. He also criticised individuals who have exploited the FGM campaign by misappropriating funds from sympathetic donor agencies.

**ACADEMIC FREEDOM:** The university extension programme was upgraded to full university status in 1998. There are no reports the government curtails its independence.

**CHILD LABOUR:** The statutory minimum age for employment is 18 years, but enforcement inspections rarely take place. Child labour protection does not extend to youth performing customary chores on family farms or engaged in petty trading. Many children work in markets and in street trading. The ILO's estimate for 2000 is that a third of children in the 10-14 age group are working. The tourist industry has created a demand for child prostitution. This worst form of child labour is not tolerated by the government and is prosecuted vigorously.

**TRADE UNION RIGHTS:** The Labour Act of 1990 specifically prohibits civil service employees from forming unions or striking. The Gambia Teachers' Union has built up its influence in the country and undertaken training activities.

El member organisation / Membership:  
a Teachers' Union (GTU) / 3,452

Population < 15:	42%	% GNP spent on education:	4.2%
Illiteracy:	22.5% <sup>m</sup> /41.6% <sup>f</sup>	Life expectancy at birth:	60
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	29	% govt. expenditure on education:	19.9%

Child Risk Measure: 36 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** Six years of primary education and three years of junior secondary education are free and compulsory in Ghana. Although most children have access to schooling the associated costs make it too expensive for the poorest families. Some districts provide early childhood education with parents contributing to the costs. NGOs have made some progress in educating the rural population to abandon female genital mutilation. The government actively campaigns for girls' education. In 1999, girls represented nearly fifty percent of enrolments up to the 6th grade. Women represent 25 percent of enrolments at the country's four state universities and the number is increasing. In August 1999, students demonstrated against increased university fees and police caused a number of injuries when they used tear gas and water cannons to disperse the protesters.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Fifteen is the minimum age for employment, and labour legislation prohibits night work and certain types of hazardous labour for those under 18 years of age. In practice child employment is widespread, and young children of school age often perform menial tasks during the day in the market or collect fares on local buses. An ILO survey showed that 75 percent of children between ages 5 and 14 work within the context of a family enterprise. The government has ratified Convention 182 and new legislation is in place to provide not only additional child labour protection but also to considerably increase the penalties for violations. The amended Criminal Code is especially concerned with protecting children against sexual exploitation. *Trokosi*, a traditional practice found among the Ewe ethnic group, in which a young girl, usually under the age of 10, is made a slave to a fetish shrine and becomes the sexual and servant property of the fetish priest has been explicitly prohibited by amendments to the Criminal Code. By 2000 some 2,190 *Trokosi* slaves had been released and retrained.

**TRADE UNION RIGHTS:** The right of association is restricted, as the Trade Union Ordinance confers powers on the government to refuse to register a trade union. In practice, this has not happened.

The law recognises the right to strike, but because of the complicated system for settling disputes, there have been no legal strikes since independence. The Industrial Relations Act provides a framework for collective bargaining. A draft labour law designed to reconcile contradictory and outdated labour laws and conform to ILO standards was presented to Parliament in 2000. The Ghana Trade Union Centre [GTUC] participated in the review of the laws. TEWU is a member of the GTUC but EI's other affiliate, GNAT is not.

**EI member organisation / Membership:**

- Ghana National Association of Teachers (GNAT) / 125,000
- Teachers' and Educational Workers' Union (TEWU) / 32,000

Population < 15:	43%	% GNP spent on education:	1.9%
Illiteracy:	48% <i>m</i> /76.1% <i>f</i>	Life expectancy at birth:	47
Pre-primary gross enrolment:	3%	School life expectancy [years]:	N/A
Net enrolment first level:	50% <i>m</i> /33% <i>f</i>	% 1995 cohort reaching grade 5:	54%
Secondary gross enrolment:	20% <i>m</i> /7% <i>f</i>	Tertiary students per 100,000:	112
Primary pupil teacher ratio:	49	% govt. expenditure on education:	25.6%

Child Risk Measure: 69 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (169) (182)

**EDUCATION RIGHTS:** Education is free and officially compulsory for all children between the ages of seven and 13. The government allocates a significant percentage of its national operating budget on education but it is insufficient to meet the needs of its children. Approximately 50 percent of all eligible students are enrolled in primary school. The numbers obtaining a secondary education, especially girls, is very small. A module on managing children with learning difficulties is now part of the official teacher-training curriculum and 6,000 student teachers will have been exposed to the module by 2001. Guinea has two universities, and 21 other institutions of higher education. On 11 March 1999, military troops entered the University of Kankan and detained 800 students following disturbances that began after a student was killed in a car collision.

**ACADEMIC FREEDOM:** The Ministry of National Education and Scientific Research influences faculty hiring and tenure and has the final word on curriculum development. In general terms the university faculties are not subject to censorship.

**CHILD LABOUR:** The minimum age for employment is officially 16 years. Apprentices, however, may start at 14 years. Workers and apprentices under the age of 18 are not permitted to work at night, or for more than 12 consecutive hours, nor on Sundays. The Labour Code also stipulates that the Minister of Labour and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by Ministry inspectors is limited to large firms in the formal sector of the economy. Prostitution employs girls as young as 14 years of age. The government does not monitor or take action against this worst form of child labour.

**TRADE UNION RIGHTS:** The Constitution provides for the right of employees to form independent trade unions and prohibits discrimination based on union affiliation. The Labour Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. EI's affiliates, FSPE and SLECG, are independent unions. After a nation-wide public-school teachers' strike immobilised the education sector in April and August 1997

El member organisation / Membership:

- Fédération Syndicale Professionnelle de l'Éducation (FSPE) / 15,250
- des Enseignants et Chercheurs de Guinée (SLECG) / 14,186

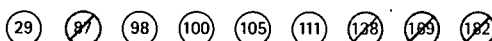
the President granted an eight percent pay raise for all state employees, including teachers, who also received the right to claim seniority benefits for any past training.



Population < 15:	42%	% GNP spent on education:	N/A
Illiteracy:	44.5% <sup>m</sup> /83.4% <sup>f</sup>	Life expectancy at birth:	45
Pre-primary gross enrolment:	N/A	School life expectancy (years):	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 80 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** During the last twenty years the state has sought, within its limited resources, to improve adult literacy and provide primary education for children between the ages of seven and 13. The education system is hampered by a lack of facilities and trained teachers. It was not helped by a civil war that closed schools and research institutions between July 1998 and March 1999. Rural women are traditionally responsible for most of the work on subsistence farms, and from an early age, and few have any access to education.

**ACADEMIC FREEDOM:** Guinea-Bissau does not have a university.

**CHILD LABOUR:** The law established a minimum age of 14 for general factory labour and 18 years for heavy or dangerous labour, including all labour in mines. In the informal sector, children often work as street traders, and those in rural communities do domestic and fieldwork without pay. The Government does not attempt to discourage these traditional practices. Amnesty International reported that very young children fought on both sides during the recent civil war.

**TRADE UNION RIGHTS:** The Constitution provides all civilian workers with the freedom to form and join trade unions. The only legal restriction on strike activity is the requirement for prior notice. The Constitution does not provide or protect the right to bargain collectively, and genuine collective bargaining does not occur. The failure to pay salaries regularly and salary arrears remains a problem and of concern to EI affiliate, SINAPROF.

EI member organisation / Membership:  
 ito Nacional dos Professores [SINAPROF] / 1,590

Population < 15:	43%	% GNP spent on education:	6.5%
Illiteracy:	13.1% <sup>m</sup> /27.9% <sup>f</sup>	Life expectancy at birth:	52
Pre-primary gross enrolment:	35%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	26% <sup>m</sup> /22% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	30	% govt. expenditure on education:	16.7%

Child Risk Measure: 46 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** The system of free education in the early years of Kenya's independence has given way to a 'cost-sharing' education system in which students pay tuition and other costs. These are a heavy burden on most families. While there is compulsory schooling for all up to grade 12, there is a very high dropout rate in part because of the financial costs. Moreover, the shortage of schools obviates the legally required universal schooling. It was estimated that in 1999 some four million children between six and 14 years of age were not in school. The number of boys and girls in school is roughly equal at the primary level, and then becomes increasingly disproportionate until men outnumber women almost two to one in higher education. Mob violence is a problem in Kenya and spilled over to the education sector in 1999 when a group of 100 students at the Sang'alo Institute of Science and Technology beat and killed the Institute's principal, whom the students accused of mismanagement. Human Rights Watch reported on the excessive use of corporal punishment and other abuses of students by some Kenyan teachers. According to 1999 local press reports teachers at Mobamba Secondary School in Kisii so severely beat a student that the boy died of internal injuries. There have been repeated reports of children, mostly in rural areas, being molested or raped by schoolteachers. The subject is of major concern to the Kenyan teachers' unions. Kenya has four universities and a number of specialised colleges, including the Kenya Conservatoire of Music.

**ACADEMIC FREEDOM:** Academic freedom is circumscribed. President Moi, as chancellor of all state universities, appoints the vice chancellors, who manage the institutions under the supervision of the Ministry of Education. A number of student activists have been expelled from universities in recent years because of political activities, and most have been refused readmission. University academic staff are not permitted to form or join unions. Leaders of a group that tried to set up a union and applied to EI for membership were dismissed from their posts and in some cases forced into exile.

**CHILD LABOUR:** Child labour remains a problem and there is increased reporting of forced child labour. There are cases, mostly in rural areas, of children being loaned as workers to pay off debts.

The ILO's child labour projection for 2000 states that 1,647,000 children between the ages 10 and 14 are in the workforce. The employment in industry of children under the age of 16 is illegal but the Employment Act applies neither to the agricultural sector, where about 70 percent of the labour force is employed, nor to children serving as apprentices under the terms of the Industrial Training Act. Children often work as domestic servants in private homes or in family businesses. In commercial agriculture, children usually assist parents. Child prostitution is a major problem in Nairobi and Mombasa where it is connected with the tourist trade. Some male and female child prostitutes are as young as eight years of age. It was estimated that in 1997 over 10 percent of the adult population of Kenya were infected with the HIV/AIDS virus. Deaths from AIDS have created many orphans. The government estimates that Nairobi's 50,000 street children are increasing by 10 percent per year.

**TRADE UNION RIGHTS:** Except for central government civil servants, university academic staff, doctors and dentists, all workers are free to join unions of their choice. Teachers, as well as other civil servants, may strike provided they give 28 days notice. During this 28-day period, the Minister of Labour may mediate, nominate an arbitrator, or refer the matter to the Industrial Court, for binding arbitration. Once a dispute is so disposed off any subsequent strike action is illegal. The major national federation is the Central Organisation of Trade Unions. The Kenya National Union of Teachers [KNUT], which represents one-third of unionised workers, is not a member. The government's failure to implement the second phase of a promised teacher pay raise in 1998 resulted in strike action by KNUT. The government declared the strike illegal. Security forces dispersed meetings of striking teachers, arrested many teachers and KNUT officials, and closed the union's offices. The strike ended after 15 days with the government refusing to renegotiate. It was later reported that the IMF had told the government that it would not approve a new loan facility to allow it to pay the second phase of the teachers' salary agreement. Relations between teachers and the government continue to fester. Anticipated layoffs in the civil service are expected to add further fuel to simmering labour disaffection. The government has informed the ILO that an in-depth reform of labour legislation is under consideration, and it has asked the ILO for technical assistance.

El member organisation / Membership:

- Kenya National Union of Teachers [KNUT] / 158,619

Union of Domestic, Hotels, Educational Institutions Hospitals and Allied Workers [KUDHEIHA] / 10,000



Population < 15:	40%	% GNP spent on education:	8.4%
Illiteracy:	29.6% <sup>m</sup> /7.4% <sup>f</sup>	Life expectancy at birth:	56
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	8.9 <sup>m</sup> /10.4 <sup>f</sup>
Net enrolment first level:	64% <sup>m</sup> /76% <sup>f</sup>	% 1995 cohort reaching grade 5:	55% <sup>m</sup> /71% <sup>f</sup>
Secondary gross enrolment:	25% <sup>m</sup> /36% <sup>f</sup>	Tertiary students per 100,000:	234
Primary pupil teacher ratio:	47	% govt. expenditure on education:	N/A

Child Risk Measure: 46 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (109) (182)

**EDUCATION RIGHTS:** Christian missions, under the direction of the Minister of Education, operate most schools. Education is not compulsory. Some 25 percent of primary-age children do not attend school, particularly in rural areas. In many cases families cannot afford the costs associated with school attendance such as the purchase of uniforms, books and materials. The Ministry of Education is phasing in free education, beginning with the 1st grade in 2000. The problem of school non-attendance affects boys disproportionately more than girls. Lesotho's female illiteracy rates [7.4 percent age 15 and over and only 1.8 percent in the 15-24 age group] is the lowest in Africa and one of the lowest for any developing country. The National Teacher-Training College has been granted autonomy and renamed the Lesotho College of Education.

**ACADEMIC FREEDOM:** The government respects academic freedom at the country's only university.

**CHILD LABOUR:** The legal minimum age for employment in commercial or industrial enterprises is 14. There are prohibitions against the employment of minors in commercial, industrial or non-family enterprises involving hazardous or dangerous working conditions, but enforcement is very lax. The rigorous and occasionally dangerous working conditions for the country's young livestock herdboys are considered a rite of passage and a prerequisite to manhood within rural Basotho culture. Herdboy activity is regarded as the main reason why a significant percentage of young adult males are illiterate. The spread of the HIV/AIDS virus has contributed to a rise in child homelessness and abandonment, creating a growing number of street children.

**TRADE UNION RIGHTS:** Civil servants are banned from forming or joining trade unions although this breaches Lesotho's Constitution. Teachers' terms and conditions of employment are standardised. Teachers do not have the right to strike as the government has designated teaching an essential service.

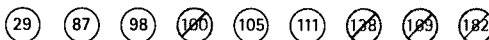
El member organisation / Membership:

Association of Teachers [AT] / 4,000

Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	35.8% <sup>m</sup> /70.7% <sup>f</sup>	Life expectancy at birth:	47
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 74 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Liberia is a very poor country that has not recovered from the ravages of civil war, which lasted seven years, a period when most schools were closed and the care of children widely neglected – a generation grew-up experiencing little more than violence, hunger and homelessness. Since the official end to the war in 1997, the government has failed to provide any information or statistics on education or the status of children to UNESCO, UNICEF, the ILO or any other agency. The University of Liberia has reopened but the private Cuttington University College, situated some 200 kilometres from the capital, Monrovia, remains partially a "university-in-exile."

**ACADEMIC FREEDOM:** President Charles Taylor replaced the University of Liberia's president with a member of the ruling party in 1999. Government informers operate on campus and self-censorship may apply.

**CHILD LABOUR:** Some 50,000 children were killed during the civil war and many were wounded, orphaned and abandoned. Nearly all children witnessed atrocities and some committed atrocities themselves. The UN estimates that between 15,000 and 20,000 children, some as young as six years old, participated in the conflict. The number of street children in Monrovia and the number of abandoned children increases by the day.

**TRADE UNION RIGHTS:** Government interference in union activities was commonplace both before and during the civil war. The Constitution states that workers have the right to associate in trade unions but is silent on the right to strike. Public school teachers in several locations, including Monrovia, went on strike or 'go-slows' in 1999 to protest the government's failure to pay their salaries.

El member organisation / Membership:

- Liberia National Educational Workers Union (LNEWU) / 1,453
- National Teachers' Association of Liberia (NTAL) / 5,000

Population < 15:	45%	% GNP spent on education:	5.4%
Illiteracy:	27.5% <sup>m</sup> /57.1% <sup>f</sup>	Life expectancy at birth:	39
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	36% <sup>m</sup> /32% <sup>f</sup>
Secondary gross enrolment:	21% <sup>m</sup> /12% <sup>f</sup>	Tertiary students per 100,000:	58
Primary pupil teacher ratio:	59	% govt. expenditure on education:	N/A

Child Risk Measure: 55 [reg. av. 61]

Ratification of ILO Conventions:

29
87
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182

**EDUCATION RIGHTS:** Primary education in Malawi is free and universal, but it is not compulsory. Less than 20 percent of children finish primary school, which runs from age six to 13. Girls drop out of school more frequently than boys do and, in the last year of primary school, only about 25 percent of students are girls. However, there have been significant gains in girls' education in recent years. Girls are now entering first grade in the same proportion as boys, and 39 percent of the secondary school entrants are girls. The University of Malawi has five campuses scattered across the country.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Several NGOs are working to reduce the problem of street children and child beggars by providing alternative care. The problem is aggravated by the increase in orphans whose parents died from AIDS related illnesses. By 2000 it was estimated 300,000 children had lost their mothers to the virus. The belief that children are likely to be HIV negative contributes to their sexual exploitation. A domestic NGO has reported that in urban areas it is not uncommon to find young girls working as domestic servants, receiving little or no wages and existing in a state of indentured servitude. There is significant child labour on tobacco and tea estates and subsistence farms. The ICFTU, the IUF and the Malawi Congress of Trade Unions negotiated an agreement in 2000 with the International Tobacco Growers Association to eliminate child labour in the tobacco industry.

**TRADE UNION RIGHTS:** Workers, including teachers, have the legal right to form and join trade unions. Members of registered unions in 'essential services' have the right to strike after having carried out prescribed procedures. Essential services, however, are nowhere defined. The right to bargain collectively, although practised, is only implied and not expressly protected by law. All unions are affiliated to the Malawi Congress of Trade Unions.

El member organisation / Membership:

Union of Malawi (TUM) / 13,875

Population < 15:	47%	% GNP spent on education:	2.2%
Illiteracy:	56% <i>m</i> /70.7% <i>f</i>	Life expectancy at birth:	53
Pre-primary gross enrolment:	2%	School life expectancy [years]:	N/A
Net enrolment first level:	38% <i>m</i> /25% <i>f</i>	% 1995 cohort reaching grade 5:	92% <i>m</i> /70% <i>f</i>
Secondary gross enrolment:	17% <i>m</i> /8% <i>f</i>	Tertiary students per 100,000:	134
Primary pupil teacher ratio:	71	% govt. expenditure on education:	N/A

Child Risk Measure: 64 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Education is free and in principle universal. While primary school is compulsory up to the sixth grade, only 50 percent of children receive a basic education. Girls are particularly disadvantaged. A government plan of action for the period 1996-2000 was designed to reduce inequalities between men and women in such areas as education. Although the programme was not completed within the time-scale it continues to influence government policy. The Saudi Arabian Government funds a number of Koranic schools. Many students attend colleges and universities abroad, notably in France and Senegal. In April 1999, security forces arrested about 12 students attending a meeting on the campus of the National University protesting at examination anomalies.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Regulations which control the work which may be undertaken by children are often ignored in practice, and the Labour Code has no effect on the vast number of children who work in rural areas, helping with family farms and herds, and in the informal sector. Child labour predominates in the agricultural sector, and to a lesser degree in crafts and trades apprenticeship and cottage industries. Laws against unjust compensation, excessive hours, or capricious discharge do not protect these children. The government has taken steps to repatriate Malian children being sold into forced labour in Côte d'Ivoire by organised traffickers, and to put a stop to the practice.

**TRADE UNION RIGHTS:** The Constitution and the Labour Code specifically provide for the freedom of workers to form or join unions and protect freedom of association, and provide for the right to strike. Following the move to multiparty democracy multiple unions emerged, particularly in the education sector. There have been allegations of considerable government interference in union affairs and specifically in the elections for leadership of the federation, UNTM. The Government is also believed to have funded the congress of a rival group.

El member organisation / Membership:

National de l'Éducation et de la Culture UNTM (SNEC/UNTM) / 8,025

Population < 15:	26%	% GNP spent on education:	4.6%
Illiteracy:	12.9% <sup>m</sup> /20.4% <sup>f</sup>	Life expectancy at birth:	67 <sup>m</sup> /75 <sup>f</sup>
Pre-primary gross enrolment:	104%	School life expectancy [years]:	15
Net enrolment first level:	98%	% 1995 cohort reaching grade 5:	99%
Secondary gross enrolment:	63% <sup>m</sup> /66% <sup>f</sup>	Tertiary students per 100,000:	632
Primary pupil teacher ratio:	20	% govt. expenditure on education:	17.4%

Child Risk Measure: 11 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Education is compulsory up to the age of 12. The government set itself the goal of increasing compulsory education to nine years of schooling from the year 2000. The plan includes the authorisation and construction of 60 new schools. It is also government policy that by 2000 every child of three years and above will have access to early childhood education. Six vocational schools were opened in January 1998 to train students who fail the primary education certificate. Although French, Creole and other languages are widely used, English is the official language of government and school instruction. Education has been free through the post-secondary level since 1988. The country's principal institution of higher education is the University of Mauritius. It has over 2,000 students. Other post secondary institutions include a teacher training college and the Mauritius Institute of the Air, which broadcasts classes. The literacy rate on the isolated island of Rodrigues is much below the national average.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The legal minimum age for employment of children is 15 years. However, children unable to attend secondary schools often seek apprenticeships in the trades. The Ministry of Labour carries out frequent inspections to enforce the minimum age for employment. In an ILO report listing the percentage of economically active children aged between 10 and 14 in 28 African countries, Mauritius had by far the lowest level with just three percent. There are credible reports of the trafficking of Madagascan children for prostitution. Child labour is common on Rodrigues (population 37,000), an isolated community, some 580 kilometres Northeast of the main island.

**TRADE UNION RIGHTS:** The Constitution explicitly protects the right of workers to associate in trade unions, and there is an active trade union movement. Wage setting by the gov-

ernment in the state sector undermines free collective bargaining. Legal strikes are made virtually impossible by lengthy pre-strike procedures and binding arbitration. Furthermore, the Industrial Relation Act permits the Prime Minister to declare any strike illegal if, in his opinion, it 'imperils the economy'. EI affiliate, the Government Teachers' Union [GTU] continued to report harassment by the Ministry of Education over the issue of time-off for trade union activities. In 1999, the Minister of Education announced that he was going to make salary deductions as from 1 March for absences linked to trade union activities.

Population < 15:	35%	% GNP spent on education:	5.3% *
Illiteracy:	40.5% <sup>m</sup> /67.1% <sup>f</sup>	Life expectancy at birth:	67
Pre-primary gross enrolment:	92% <sup>m</sup> /44% <sup>f</sup>	School life expectancy [years]:	N/A
Net enrolment first level:	83% <sup>m</sup> /65% <sup>f</sup>	% 1995 cohort reaching grade 5:	75%
Secondary gross enrolment:	44% <sup>m</sup> /34% <sup>f</sup>	Tertiary students per 100,000:	1,167
Primary pupil teacher ratio:	28	% govt. expenditure on education:	24.9%*

\* Ministry of Education only

Child Risk Measure: 21 [reg. av. 61] SEE FOOTNOTE 2

Ratification of ILO Conventions:

29 97 98 100 105 111 138 169 182

**EDUCATION RIGHTS:** Schooling is compulsory for children between the age of seven and 13.

Girls are much less likely to be sent to school than are boys, especially in rural areas. Women who do earn secondary school diplomas, however, have equal access to university education. The government funds the teaching of Islam in public schools. Education reforms stress the use of Arabic in secondary schools. Science and technical courses at university level are taught in French. There are six universities with a combined enrolment of 100,000 and another 200,000 students are enrolled in other institutions of higher education. A royal edict five years ago authorising the teaching of Amazigh languages in schools has not yet been implemented. Some 60 percent of the population claim Amazigh heritage.

**ACADEMIC FREEDOM:** Government informers monitor activities on university campuses. The Ministry of the Interior approves university rectors. Open debate on the monarchy, Western Sahara and Islam are prohibited topics.

**CHILD LABOUR:** The law prohibits the employment or apprenticeship of any child under 12 years of age. Special regulations cover the employment of children between the ages of 12 and 16 years. Abuse of the child labour laws is common. In practice, children are often apprenticed before age 12, particularly in the handicraft industry. The use of minors is common in the rug-making industry and also exists to some extent in the textile and leather goods industries. Children are also employed informally as domestics and usually receive little or no wage. The practice of adoptive servitude, in which families adopt young girls who serve as domestic servants, is socially accepted, and the government does not regulate it. Physical abuse in such cases is widespread. Teenage prostitution in urban centres has been estimated in the tens of thousands. There are a number of NGOs working to reduce exploitation of street children, help rehabilitate drug-addicted children, and provide shelter and food. EI affiliate, SNE-CDT, has begun a campaign against child labour.

**TRADE UNION RIGHTS:** Although workers are free to establish and join trade unions, the unions themselves are not completely free of government interference. The International Confederation of Free Trade Unions (ICFTU) reports that employers collude with the police, who often use violence against striking workers. A draft labour code adopted in 1999 brought the law more into line with ILO conventions in respect to anti-labour discrimination and protection against acts of interference by employers' organisations. Provisions on collective bargaining, however, only apply to the private sector.

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FOOTNOTE 1: Morocco claims and administers Western Sahara [formerly Spanish Sahara, population 244,943] but sovereignty remains unresolved. A referendum on the issue may take place in 2002.

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FOOTNOTE 2: Life expectancy in Western Sahara is 50. The illiteracy rate for the region is not available. The standard of living is substantially below the Moroccan level, including education.



Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	42.6% <sup>m</sup> /74% <sup>f</sup>	Life expectancy at birth:	45
Pre-primary gross enrolment:	N/A	School life expectancy (years):	N/A
Net enrolment first level:	45% <sup>m</sup> /34% <sup>f</sup>	% 1995 cohort reaching grade 5:	52% <sup>m</sup> /39% <sup>f</sup>
Secondary gross enrolment:	7% <sup>m</sup> /5% <sup>f</sup>	Tertiary students per 100,000:	40
Primary pupil teacher ratio:	58	% govt. expenditure on education:	N/A

Child Risk Measure: 63 [reg. av. 61]

Ratification of ILO Conventions:

29 87 98 100 105 111 128 189 182

**EDUCATION RIGHTS:** The World Bank rated Mozambique the second poorest country in the world in 1994. In 1999, Mozambique was assisted when the World Bank and IMF approved \$US3.7 billion in relief from external creditors. The savings are to be used to increase education and health provisions. More than one thousand new primary schools were opened throughout the country in 1999. The government's commitment to provide all children with access to schooling received a major set-back in early 2000, when the worst floods in over 50 years, left at least a million homeless and destroyed a large number of school buildings in parts of the country. Before the civil war virtually wrecked the education system and infrastructure, considerable progress was made in introducing children to basic schooling, and adults to literacy programmes. Rebuilding the education system in the last eight years to an acceptable standard required more resources than Mozambique had available. The 1997 census revealed sixty percent of the population over age 15 as illiterate in any language, and that 70 percent of the population over five years of age neither spoke or understood the official language, Portuguese. Education policy now promotes Mozambican languages as languages of instruction in the classroom. The expansion of primary and secondary education remains hampered by lack of facilities and materials and the limited number of trained teachers. UNESCO reports that 25 percent of teachers have no formal education, and over 50 percent have only six years of primary education and one year's training. Primary education is not yet compulsory, although the Education for All (EFA) report noted that Mozambique hoped to achieve a 70 percent first grade admission rate in 2000. In rural areas, where over 80 percent of the population live, and where women are engaged mainly in subsistence farming and child rearing, traditionally, there has been little or no opportunity for schooling. Although current policy aims to address this problem, very few girls have any access to education above the early primary grades. Countrywide, only a small number of children are able to continue to secondary studies. There are only 82 public secondary schools in the entire country. There are credible reports of corruption in the education system. In some cases children, or their parents, are obliged to bribe teachers for pass grades. Other reports claim that girls have exchanged, or were forced to exchange, sex with teachers in return for passing grades. There are three public institutions of higher learning, including Eduardo

Mondlane University, in Maputo, and four private universities, including an Islamic university which started in 2000.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** In the formal economy, the minimum working age is 18 years. Children between the ages of 15 and 18 may work with the permission of their parents and the Ministry of Education. Children younger than 15 are not permitted to work. Because of high adult unemployment few children are employed in regular wage positions. However, children, including those under age 15, commonly work on family farms or in the urban informal sector. The law does not specifically prohibit forced and bonded labour by children and such practices are known to occur in rural areas where children are sometimes used as labour to settle economic accounts. There are credible reports of trafficking in women and children to South Africa. There are an estimated three thousand street children in Maputo. The authorities are active in combating child prostitution. A number of NGOs sponsor food, shelter and education programmes for orphans and abandoned children. In May 1999, an Africa-wide conference was held in Maputo to consider the reintegration of child soldiers into civil society. The 'Maputo Declaration' called for an end to the use of children as soldiers.

**TRADE UNION RIGHTS:** The Constitution provides that all workers are free to join a trade union, but civil servants are not permitted to take strike action. The law protects the right of workers to organise and engage in collective bargaining.

Population < 15:	43%	% GNP spent on education:	9.3%
Illiteracy:	18.7% <sup>m</sup> /21.2% <sup>f</sup>	Life expectancy at birth:	52
Pre-primary gross enrolment:	11%	School life expectancy [years]:	12.9
Net enrolment first level:	88%	% 1995 cohort reaching grade 5:	86%
Secondary gross enrolment:	56% <sup>m</sup> /66% <sup>f</sup>	Tertiary students per 100,000:	735
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	25.6%

Child Risk Measure: 42 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** The Constitution provides for seven years of compulsory education but the government has not been able to provide schools within reach of all children. Payment of school fund contributions are requested but not insisted on when parents genuinely can not afford them. The government's stated objective was to enrol 94 percent of children between six and 15 years in school by 2000 and increase the number of schools to 1500. The formal education system consists of seven years primary, three years junior secondary, and two years senior secondary. Although there are some regional variations generally there is gender equity at primary school. Refugees and asylum seekers are restricted as to movement and are confined mainly to a camp at Osire. Their children may only attend schools established at the camp, and may not enrol at the University of Namibia. Steps have been taken to improve access to schooling for the Indigenous San people. A programme for San children initiated by a local NGO, in receipt of foreign funding, has been taken over by the Ministry of Education. The country has four colleges of education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Under the 1992 Labour Act, the minimum age for employment is 14 years, with higher age requirements for certain sectors such as mining, construction, and night work. Ministry of Labour inspectors generally enforce minimum age regulations, but children below the age of 14 often work on family farms. There are reports that children are employed on private commercial farms and as domestic servants where they are subject to such overbearing control by their employers that it may be akin to forced or bonded labour.

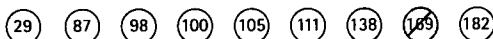
**TRADE UNION RIGHTS:** The Constitution provides for freedom of association, including freedom to form and join trade unions. The 1992 Labour Act extended that right to civil servants. Under the Act, strike action can only be used once conciliation procedures have been exhausted, and then only in disputes involving specific worker interests, such as pay raises. The Act provides employees with the right to bargain individually or collectively. A new trade union organisation, the Namibia Federation of Trade Unions, was formed in 1998 and includes teachers. It is more critical of the government than the National Union of Namibian Workers, which has historical ties with SWAPO, the party of government.

Organisation / Membership:  
National Teachers' Union (NANTU) / 12,500

Population < 15:	48%	% GNP spent on education:	N/A
illiteracy:	78.2% <sup>m</sup> /92.9% <sup>f</sup>	Life expectancy at birth:	49
Pre-primary gross enrolment:	1%	School life expectancy [years]:	N/A
Net enrolment first level:	30% <sup>m</sup> /19% <sup>f</sup>	% 1995 cohort reaching grade 5:	73%
Secondary gross enrolment:	9% <sup>m</sup> /5% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	42	% govt. expenditure on education:	N/A

Child Risk Measure: 80 [reg. av. 61]

Rotifocation of ILO Conventions:



**EDUCATION RIGHTS:** Schooling in Niger is free and compulsory between the ages of seven and 15. Because of a shortage of teachers and the wide dispersion of the population, only about 32 percent of children of primary school age attend school, and about 60 percent of those who finish primary school are boys. The majority of young girls are kept at home to work and rarely attend school for more than a few years, resulting in an adult female literacy rate of seven percent, as against 18 percent for males. Higher education is available at the University of Niamey and at the Islamic University of Niger, in the city of Say. The combined tertiary enrolment is about 4,500. In 1999, as they had done the previous year, university and secondary school students protested the non-payment of scholarships and allowances. In November, hundreds of university students holding a sit-in on a major thoroughfare in Niamey were dispersed by tear gas, and at least twenty were injured. The students had not received scholarship payments for two years. In May, secondary school students demonstrated to demand unpaid allowances.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Child labour in non-industrial enterprises is permitted by law under certain conditions. Children under the age of 14 must obtain special authorisation to work, and those 14 to 18 years are subject to limitation on hours and types of employment (no industrial work) so that schooling may continue. Child labour is practically non-existent in the formal sector, although children work in the unregulated agricultural, commercial, and artisan sectors. Rural children regularly work with their families from a very early age. Some children are kept out of schools to guide a blind relative on begging rounds; others are sometimes employed by Koranic teachers to beg in the streets. There are credible reports of underage girls being drawn into prostitution, sometimes with the complicity of their families.

**TRADE UNION RIGHTS:** The Constitution provides formal recognition of workers' longstanding right to establish and join trade unions. The National Union of Nigerien Workers and the affil-

iated National Union of Nigerien Teachers [SNEN] profess political autonomy. In private and state-owned enterprises, unions widely use their right to bargain collectively. Collective bargaining also exists in the public sector. However, since most organised workers, including teachers, are government employees, the government is actually involved in most bargaining agreements. The Constitution provides the right to strike but public workers must maintain a minimum level of service during a strike. Public sector strikes continued in 1999 because of salary arrears. El affiliate, SNEN, boycotted classes when the new school term started in January because their members has not been paid for October-November 1998. Public service unions went on a two-day strike in March 1999 in protest at conditions of service that had been imposed through a World Bank/IMF adjustment programme. In October, teachers, who had not been paid since April and May, went on an indefinite strike. Some relief was provided following the November elections, when several foreign governments stepped-in to pay part of the public sector wage bill.

El member organisation / Membership:

- Syndicat National des Enseignants du Niger (SNEN) / 14,500
- Syndicat National des Agents de la Jeunesse, de la Culture et des Sports (SYNAJECES) / 410

Population < 15:	44.8%	% GNP spent on education:	N/A
Illiteracy:	31.2% <sup>m</sup> /49.3% <sup>f</sup>	Life expectancy at birth:	50
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	36% <sup>m</sup> /30% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	37	% govt. expenditure on education:	N/A

Child Risk Measure: 59 [reg. av. 61]

Ratification of ILO Conventions:

29

87

98

100

105

111

128

189

182

**EDUCATION RIGHTS:** President Olusegun Obasanjo's democratically elected government announced education issues to be a high priority on its reform agenda. The Constitution equivocates on the subject of compulsory education, which should be nine years, stating that when practical "the government will provide free, compulsory and universal primary education." The state has rarely achieved this goal, and never in the northern regions. Primary school enrolment in 1995 was 15,741,078 and 68.2 percent of girls and 70.6 percent of boys completed their primary education. In that year there were 41,531 primary schools and 437,619 teachers. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls. In the north, Muslim communities favour boys over girls in deciding which children to enrol. In the south economic hardship affects many families' ability to send girls to school. Nigeria has 12,000 early childhood facilities catering for 28 percent of the target age group. During the oil-boom years, Nigeria concentrated on creating 31 universities to the detriment of developing basic primary education. On 20 August 1999, police reportedly killed six students and injured others when they fired into a group of demonstrating college students in Osogbo, Osun State. The students were protesting the non-payment of teachers' wages, which forced the closure of four universities. On 13 January 2000, police arrested 22 students who were protesting against tuition increases at Obafemi Awolowo University, in particular, and expressing dissatisfaction with decaying conditions at the country's tertiary educational institutions.

**ACADEMIC FREEDOM:** The federal Minister of Education has sought to restore academic freedom, which eroded under the military led administrations. President Obasanjo held direct talks with representatives of the universities, including students, to discuss educational reforms.

**CHILD LABOUR:** Child labour is an increasing problem in Nigeria, and it is increasing in worst forms: the trafficking in children for the purposes of forced prostitution and forced labour. Government initiatives to stem the growing incidence of child employment have not been effective. The 1974 Labour Decree prohibits employment of children under 15 years of age in com-

merce and industry, and restricts other child labour to home-based agricultural or domestic work. The law further stipulates that children may not be employed in agricultural or domestic work for more than eight hours per day. The decree allows the apprenticeship of youths at age 13 under specific conditions. Studies indicate a declining school enrolment due to the deterioration of public schools and to increased economic pressures on families, forcing them to place children in the labour market. The use of children as hawkers, beggars and bus conductors is widespread in urban areas. There are credible reports of poor families selling their daughters into marriage as a means of supplementing their incomes. Human Rights Watch reports that child marriages are common especially in northern areas. There are serious health consequences, including premature death, for girls subjected to early pregnancy or to intercourse prior to sexual maturity. Children are trafficked into Europe for illicit purposes and there was at least one documented case in 1999 of the trafficking in children to work as indentured servants in the USA.

**TRADE UNION RIGHTS:** The civilian government has taken steps to improve trade union and workers' rights. Teachers' right to strike has been restored and for nine weeks, beginning 13 April 1999, all primary and secondary schools nation-wide were shut down following prolonged strike action organised by EI affiliate, the Nigeria Union of Teachers, in protest over non-payment of wages. Another weeklong strike by teachers ended in June after President Obasanjo released about \$US45 million for the payment of a newly established minimum wage. The government directed each state administration to establish its own salary structure on the basis of its ability to pay and with reference to the national minimum wage. This decision was made without consulting the civil service unions.

Population < 15:	43%	% GNP spent on education:	N/A
Illiteracy:	30.3% <sup>m</sup> /46% <sup>f</sup>	Life expectancy at birth:	39m/41f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 70 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** New waves of population displacements involving some 600,000 citizens, a nagging extremist insurgency, and Rwandan involvement in wars in the neighbouring Congo, further hindered the recovery of this distressed country and the restoration of its education system. Most children who were separated from or lost parents during the genocide of 1994 and displacement of the population that followed have been either reunited with family members or placed in foster homes. Basic education is not free but the government waives fees for orphans. Public schools cannot accommodate all children of primary school age and only 60 percent attend at that level. Only four percent complete secondary school. Access to education, at any level, is negligible for the Indigenous Batwa/Twa peoples.

**ACADEMIC FREEDOM:** In general terms academic freedom is respected at the Rwanda National University.

**CHILD LABOUR:** UNICEF estimates that over 60,000 children age 18 or younger now head households in Rwanda. Over 3000 children await trial on genocide-related charges. During 1999, street children were rounded-up and taken to a camp to learn hygiene, civic education, the dangers of narcotics and how to avoid STD. Several hundred of these children were later returned to their families and hundreds more were enrolled in vocational training. Amnesty International reports that during 1999, the Rwandese Patriotic Army sent child soldiers to fight in the neighbouring Democratic Republic of Congo, some of whom had been forcibly recruited.

**TRADE UNION RIGHTS:** In practice there is no functioning trade union movement, given the massive disruptions caused by the 1994 genocide. Pre-conflict labour law technically remains in effect. The Constitution provides for the right to create professional associations and trade unions. Union membership is open to all salaried workers, including public sector employees. The Constitution provides for

EI member organisation / Membership:

• Equipes Enseignantes du Rwanda (EER) / 5,200

• Institut National des Enseignants du Primaire (SNEP) / 15,047

the right to strike, except for public service workers. Most union members are in the public sector, and the government is intimately involved in collective bargaining.



Population < 15:	N/A	% GNP spent on education:	N/A
Illiteracy:	35% [2000]	Life expectancy at birth:	64m/67f
Pre-primary gross enrolment:	20% [2000]	School life expectancy [years]:	7
Net enrolment first level:	79.7% [2000]	% 1995 cohort reaching grade 5:	90% [2000]
Secondary gross enrolment:	47% [2000]	Tertiary students per 100,000:	700 [2000]
Primary pupil teacher ratio:	38 [2000]	% govt. expenditure on education:	9% [2000]

Ratification of ILO Conventions:

29 87 98 100 105 111 126 109 182

**EDUCATION RIGHTS:** Schooling is compulsory and free for four years for children over the age of six. There are several secondary schools on the islands, and there is also a technical college.

**ACADEMIC FREEDOM:** There is no university in the Republic.

**CHILD LABOUR:** The minimum age of employment is 18 years. The Ministry of Justice and Labour is responsible for enforcing the law and it is generally respected in the formal economy. In subsistence agriculture, on plantations, and in informal commerce, children do work, sometimes from an early age. Forced and bonded labour of children is prohibited and does not occur.

**TRADE UNION RIGHTS:** The Constitution provides for freedom of association, the right to strike and for workers to organise and bargain collectively. The small public sector work force make up the great majority of wage earners and are unionised. As the principal employer in the wage sector, the government is the key determinant of all labour issues, including wages.

FOOTNOTE: Príncipe, where about five percent of the population lives, has had self-government since 1995.

El member organisation / Membership:

- Associação dos Professores e Educadores de São Tomé e Príncipe [SINPRESTEP] / 1,257

Population < 15:	45%	% GNP spent on education:	3.7%
Illiteracy:	55.4% <sup>m</sup> /75.2% <sup>f</sup>	Life expectancy at birth:	52
Pre-primary gross enrolment:	2%	School life expectancy [years]:	6
Net enrolment first level:	65% <sup>m</sup> /55% <sup>f</sup>	% 1995 cohort reaching grade 5:	89% <sup>m</sup> /85% <sup>f</sup>
Secondary gross enrolment:	20% <sup>m</sup> /12% <sup>f</sup>	Tertiary students per 100,000:	297
Primary pupil teacher ratio:	56	% govt. expenditure on education:	31.32%

Child Risk Measure: 38 [reg. av. 61]

Ratification of ILO Conventions:

29 87 98 100 105 111 138 169 182

**EDUCATION RIGHTS:** Education in Senegal is, in theory, compulsory for all children between the ages of six and 12. The legal requirement is not enforced due to a shortage of schools and teachers. Within its limited means, the government continues to increase the number of classrooms and encourages more children, especially girls to enter and stay at school. However, not only are resources limited, according to the education unions, they are also badly used in some respects. For example, at least 6,000 teachers are employed in the central administration and in the monitoring of schools and colleges. At the same time unqualified people are recruited for teaching positions and given just a few weeks training before being placed as volunteers in classrooms. A complaint was lodged with the ILO and UNESCO regarding this policy and the government was asked to modify the use of volunteers. They did not respond. In March and December 1999, the police forcibly dispersed university students demonstrating in favour of improved scholarships.

**ACADEMIC FREEDOM:** The teachers' unions continue to seek change to the law relating to the independence of the universities in so far as it allows for the intervention of state authorities on campus in certain circumstances. Meetings by students on the campuses of the University of Dakar and the University at St-Louis are banned formally, ostensibly to prevent militant student groups from disrupting classes and studies.

**CHILD LABOUR:** The Constitution bans child labour and the government enforces this ban in the formal sector. According to law, the minimum age for employment is 16 years for apprenticeships and 18 for all other types of work. However, in the traditional or informal sectors of the economy, the government does not enforce minimum age and other workplace regulations. Organised street begging by children who are Koranic students results in a significant interruption to their education. Many children work in their families' subsistence farming fields and do not attend school.

**TRADE UNION RIGHTS:** The Constitution and the Labour Code provide all workers with the right to freedom of association, and they are free to form or join unions. Both public and private sector unions must give at least one month's notice of strike action. The law also provides unions with the right to organise and to bargain collectively and these rights are protected in practice. The small industrial component of the workforce is almost totally unionised.

**El member organisation/Membership:**

- Syndicat National de l'Enseignement Élémentaire [SNEEL] / 6,300
- Syndicat des Professeurs du Sénégal [SYPROS] / 1,534
- Syndicat Unique et Démocratique des Enseignants du Sénégal [SUDES] / 10,271
- Union Démocratique des Enseignants du Sénégal [UDEN] / 8,000



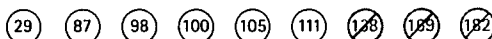
Republic of Sierra Leone • Population: 5,296,651

SEE FOOTNOTE.

Population < 15:	44.73%	% GNP spent on education:	N/A
Illiteracy:	52.5% <sup>m</sup> /80% <sup>f</sup>	Life expectancy at birth:	37
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 95 [reg.av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Sierra Leone barely functions as a state. Terrorist insurgent forces control or operate in some rural areas and continued to pose a threat to Freetown and other urban centres throughout 1999 and 2000. As a consequence the majority of Sierra Leone's children receive little or no formal education. There is a severe shortage of teachers and rebel terrorists looted and destroyed most of the country's schools. The government does not have the means to rebuild all the facilities required. The situation was not helped when, in July 1999, senior officials of the Ministry of Education were charged with embezzling \$US500,000 which was marked to pay teachers salary arrears. More than a million citizens in 2000 were still either internally displaced or in refugee camps in neighbouring countries. The Sierra Leone Teachers Union [SLTU], with support from EI member organisations, has organised provision of schooling in the Amputees Camp in Freetown and has provided some assistance to some schools with high numbers of refugee children. It has also tried to maintain contact with teachers in the refugee camps outside of the country and to keep them informed of developments in the education sector. The rebel factions looted, burned or used as quarters all institutions of higher learning which were closed, as far as educational purposes, for much of 1999. The University, Fourahbay College, in Freetown, has a long tradition and became affiliated with Durham University in the United Kingdom in 1876. Political turmoil and the deteriorating economic situation has severely affected the University's ability to function.

**ACADEMIC FREEDOM:** The elected government generally respects academic freedom.

**CHILD LABOUR:** Children routinely assist in family businesses, especially those of vendors and petty traders. In rural areas, children work seasonally on family subsistence farms. Few children are involved in the industrial sector. There have been reports that young children have been hired by foreign employers to work as domestics overseas at extremely low wages and in poor conditions. At the height of the civil conflict children fought on the government side and, usually under duress, for the various rebel factions. Child soldiers, fighting for the rebels, were

untrained, undisciplined, unsupervised and as young as eight years of age. They committed many atrocities.

**TRADE UNION RIGHTS:** The Constitution provides that workers, including civil servants, have the right of association and the right to organise and bargain collectively. The Sierra Leone Teachers Union [SLTU], working with the Sierra Leone Trade Union Congress, has played a major role in organising civil society to insist on the restoration of the democratically elected government. The SLTU also requested EI and its member organisations to advocate internationally for a UN presence capable of enforcing peace. The SLTU took strike action in 2000 in protest at the irregular payment of wages.

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FOOTNOTE: Due to continuing civil conflict the democratically elected government does not effectively control the entire country.

EI member organisation / Membership:

Teachers' Union [SLTU] / 18,543





Population < 15:	32.46%	% GNP spent on education:	8%
Illiteracy:	15% <sup>m</sup> / 16.5% <sup>f</sup>	Life expectancy at birth:	55
Pre-primary gross enrolment:	35%	School life expectancy [years]:	14.1
Net enrolment first level:	96%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	88% <sup>m</sup> / 103% <sup>f</sup>	Tertiary students per 100,000:	1,841
Primary pupil teacher ratio:	36	% govt. expenditure on education:	23.9%

Child Risk Measure: 25 [reg. av. 61]

Ratification of ILO Conventions:

(29)

(87)

(98)

(100)

(105)

(111)

(138)

(189)

(182)

**EDUCATION RIGHTS:** In 1999, incoming education minister Kader Asmal, promised to address persistent illiteracy, violence in schools and unequal resources. Approximately 95 percent of school-age children are enrolled in school. However, the availability and quality of primary schooling is a problem, in rural areas especially. The government's policy includes building new schools, providing in-school meals for children from poverty-stricken backgrounds, and the introduction of basic skills development programmes and pre-vocational training into the curriculum. Student populations on university campuses are becoming more representative of the general population with previously all-white universities reaching out to recruit students from black and non-white communities. During 2000, the vice-chancellors of South Africa's 21 universities made a joint statement strongly critical of the Council on Higher Education's report on the future "size and shape" of tertiary education in the Republic, calling it negative and superficial. The Report, released in July, proposes the arrangement of South Africa's 36 universities and polytechnic institutions into a three-tier grading system and the merger of some institutions. The vice-chancellors' association warned that the three-tier system would reinforce inequalities between historically advantaged and disadvantaged institutions. They considered that mergers should not be made arbitrarily or without input from the affected universities and other colleges. Some 617,897 students were enrolled in higher education in 1999.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Law prohibits employment of minors under the age of 15. The fact that child labour laws do not protect children between 15 and 18 years of age has caused some debate within the government. Network Against Child Labour, a domestic NGO, estimated 200,000 children, some as young as five-years-old, worked in rural areas, mostly in agriculture in 1999. This figure does not include unpaid domestic work or children working in the informal sector which will remain 'hidden labour' until the government identifies the size of the informal sector's contribution to employment and the economy in general. Child prostitution is on the increase, pri-

marily in Cape Town, Durban and Johannesburg. An increase in the number of children living on the streets has contributed to the growth of this worst form of child labour. The child sex industry has become increasingly organised, with children either being forced into prostitution or exploited by their parents to earn money for the family. The Child Care Amendment Act, implemented by Parliament in 2000, prohibits the commercial sexual exploitation of children.

**TRADE UNION RIGHTS:** The Constitution provides for freedom of association and the right to strike and these rights are given statutory effect in the Labour Relations Act. All workers in both the private sector and in the public sector, with the exceptions of the security and defence forces, are entitled to join a union. The law defines and protects the rights to organise and bargain collectively.

El member organisation / Membership:

1 Democratic Teachers' Union (SADTU) / 166,000





Population < 15:	46%	% GNP spent on education:	5.7%
Illiteracy:	21.1% <sup>m</sup> /23.6% <sup>f</sup>	Life expectancy at birth:	60
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	12m/11.3f
Net enrolment first level:	91%	% 1995 cohort reaching grade 5:	72% <sup>m</sup> /79% <sup>f</sup>
Secondary gross enrolment:	54%	Tertiary students per 100,000:	630
Primary pupil teacher ratio:	34	% govt. expenditure on education:	18.1%

Ratification of ILO Conventions:

29 87 98 100 105 111 128 169 192

**EDUCATION RIGHTS:** Education is not compulsory but it is widely available and almost all children have some primary schooling. In 1998 there were 530 primary schools with 208,779 pupils and 6,195 teachers, and 177 secondary schools with 60,830 enrolled students and 3,173 teachers. The government pays the teachers' salaries while student fees pay for books and the buildings' fund. Supplemental money must sometimes be raised for building upkeep, including teachers' housing. The government has no plans to introduce free, universal, compulsory education. The University of Swaziland has two campuses, and a total of 3,031 students were enrolled for the 1998-1999 academic year.

**ACADEMIC FREEDOM:** The faculty of the University of Swaziland may practice self-censorship and academic freedom is limited by the formal ban on political parties and a prohibition on political meetings.

**CHILD LABOUR:** The Employment Act of 1980 prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed by the firm, or in technical schools where children are working under the supervision of a teacher or other authorised person. Employment of children in the formal sector is not customary. However, children below the minimum age are frequently employed in the agricultural sector, particularly in the eastern cotton-growing region. Children are also employed as domestic workers and as herdboys in rural areas. There are growing numbers of street children in the cities of Mbabane and Manzini and reports that children are being trafficked to Swaziland from Mozambique on the false promise of economic opportunities.

**TRADE UNION RIGHTS:** The 1996 Industrial Relations Act (IRA) permits workers, including those in the public sector, but excluding prison officers, to join unions. However, the IRA imposes criminal penalties for union activity outside core union concerns, specifically on social or



political issues, and provides that the government may suspend or close down unions that focus too much on such non-core labour matters. The IRA confines unions and employer organisations to single industries and does not permit organisation across economic and industrial sectors, contrary to ILO Convention 87. The government agreed to reform the IRA and asked for and obtained expert assistance from the ILO in 1997. A tripartite committee subsequently drafted new labour designed to bring the country's labour laws into substantial conformity with international standards. Parliament formally passed amending legislation in 1999. However, the reforms have not received the King's signature. Swaziland is sub-Saharan Africa's last absolute monarchy and there were wide scale protests in November 2000 calling for a transition to a multiparty democratically elected political system. The authorities responded by closing the University, and arrested key political figures. The general secretary of the Swaziland Federation of Trade Unions was placed under house arrest and other union leaders were beaten and hospitalised, including the secretary general and another senior member of EI affiliate, the Swaziland National Association of Teachers [SNAT]. The violence was the subject of an Urgent Action Appeal by EI, and sparked international condemnation, including from South Africa's ruling African National Congress. EI and the International Confederation of Free Trade Unions (ICFTU) called for the direct intervention of the Director General of the ILO.

EI member organisation / Membership:

National Association of Teachers [SNAT] / 6,157



Population < 15:	45%	% GNP spent on education:	N/A
Illiteracy:	17.4% <sup>m</sup> /37.2% <sup>f</sup>	Life expectancy at birth:	48
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	48%	% 1995 cohort reaching grade 5:	78% <sup>m</sup> / 84% <sup>f</sup>
Secondary gross enrolment:	6% <sup>m</sup> /5% <sup>f</sup>	Tertiary students per 100,000:	57
Primary pupil teacher ratio:	36	% govt. expenditure on education:	N/A

Child Risk Measure: 53 [reg. av. 61]

Ratification of ILO Conventions:

29 87 98 100 105 111 138 169 182

**EDUCATION RIGHTS:** The law provides for seven years of compulsory schooling to the age of 15, but not enough schools are available to accommodate all of the children, and only 50 percent of eligible children are enrolled. The compulsory years of primary education are no longer free. Fees are charged for books, enrolment, and uniforms and this has contributed to an increased dropout rate of between 30 and 40 percent. Although there was an annual improvement in the rate of girls' receiving an education during the 1990s, female attendance lags behind males by about 25 percent at all levels. There are more than 12,000 primary schools and 35 teachers training colleges. Other institutions of higher education, include nine universities. They enrol about 18,000 students annually.

**ACADEMIC FREEDOM:** Academics are outspokenly critical of the government and have called for reforms since the mid-1990s.

**CHILD LABOUR:** About thirty percent of children between 10 and 14 years of age are in the workforce. The law prohibits children under the age of 12 from working in the formal wage sector in both urban and rural areas, and the government enforces this prohibition. However, this provision does not apply to children working on family farms or herding domestic livestock. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, but they must have parental permission and return to the residence of their guardian at night. The minimum age for work of a contractual nature in approved occupations is set at 15 years. The law prohibits a young person from employment in any occupation that is injurious to health. Young persons between the ages of 12 and 15 employed in industrial work may only work between dawn and dusk. The number of inspectors to enforce these provisions is inadequate. As many as 5,000 children are employed on sisal, tea, tobacco and coffee plantations. Work on sisal plantations is particularly hazardous and detrimental to children: there is a high incidence of skin and respiratory problems and the children are not provided with protective clothing. Another 1,500 to 3,000 children work in unregulated gemstone mines. Children also assist their parents

in unregulated piecework manufacturing. A 1998 ILO study reported a growth in child prostitution, including forced prostitution. The government has drafted a new law with a view to combating child labour and has submitted the draft to labour organisations and NGOs for comment.

**TRADE UNION RIGHTS:** Workers have the legal right to strike only after complicated and protracted mediation and conciliation procedures. Collective bargaining is protected by law but limited to the private sector. The government administratively sets wages for employees of the government and state-owned enterprises, which account for the bulk of the salaried labour force. Workers do not have the right to form or join organisations of their choice. A 1991 Act created a single trade union organisation, now known as the Tanzania Federation of Trade Unions. It is comprised of 11 independent trade unions but only one, EI affiliate, the Tanzanian Teachers' Union, is fully registered. The government has responded to calls from the ILO by ratifying Conventions 87 and 138 but is still to consider fundamental standards relating to freedom from discrimination. Labour is dealt with on a territorial, not federal basis, and separate laws exist for the islands of Zanzibar and Pemba. A new trade union bill for mainland Tanzania, and a new labour act for the islands of Zanzibar and Pemba would further extend the powers of the government to interfere in and supervise trade union actions.

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FOOTNOTE: Tanzania continued to give refuge to more than 800,000 refugees from Burundi, the Democratic Republic of the Congo and Rwanda, accepting tens of thousands of new arrivals during 1999. Even with help from international agencies this placed an enormous burden on one of the world's poorest countries.

Population < 15:	46%	% GNP spent on education:	4.5%
Illiteracy:	28.5% <sup>m</sup> /62.9% <sup>f</sup>	Life expectancy at birth:	49
Pre-primary gross enrolment:	2%	School life expectancy [years]:	N/A
Net enrolment first level:	93% <sup>m</sup> /69% <sup>f</sup>	% 1995 cohort reaching grade 5:	79% <sup>m</sup> /60% <sup>f</sup>
Secondary gross enrolment:	40% <sup>m</sup> /14% <sup>f</sup>	Tertiary students per 100,000:	315
Primary pupil teacher ratio:	46	% govt. expenditure on education:	24.7%

Child Risk Measure: 46 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Under the Constitution, school is compulsory for both sexes between the ages of six and 15, but this requirement is not enforced. Only about 61 percent of school age children attend school, mostly boys. About one-third of the national budget was spent on education in 1999. Missionary schools remain important, educating about half the pupils. The University at Lomé has more than 4,000 students.

**ACADEMIC FREEDOM:** At the country's only university, there is a degree of self-censorship as both faculty and students are wary of being monitored by government informers. The situation is not helped by the faculty's inability to elect a rector of their own choosing.

**CHILD LABOUR:** The Togolese Labour Code prohibits the employment of children under the age of 14 in any enterprise but age requirements are enforced only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work. The law does not specifically address the question of forced or bonded labour performed by children, and children are sometimes subjected to forced labour, primarily as domestic servants. The international trafficking of children is a problem. During 1999, 750 children were intercepted at border crossings and 21 traffickers arrested. Typically, these children are sold to other African countries, the Middle East or Asia, into various forms of indentured and exploitative servitude, which amounts at times to slavery.

**TRADE UNION RIGHTS:** The Constitution provides most workers, including teachers, with the right to join unions and the right to strike. The Labour Code nominally provides workers with the right to organise and bargain collectively. EI affiliate, FESEN, and other education unions took strike action in 1999 and 2000 to demand payment of salary arrears and in support of other claims. FESEN and university students planned peaceful marches for 8 November, 8 December and 16 December 1999, but on each date the authorities prevented the marches taking place.

They also disseminated false information about the teachers union through the state media. Student leaders and six teachers were arrested and tortured. Following International Confederation of Free Trade Unions (ICFTU) and EI representations they were released. Over 80 teachers who took part in the strike action were dismissed on 3 February 2000. With EI support, FESEN and four other unions agreed to work together for reinstatement of the dismissed teachers, payment of salary arrears, absorption of contract teachers into the public service and the establishment of negotiation machinery for teachers to enable unions to bargain with government and employers.

EI member organisation / Membership:

as Syndicats de l'Éducation Nationale (FESEN) / 7,781



Population < 15:	30%	% GNP spent on education:	6.7%
Illiteracy:	21.7% <sup>m</sup> /43.5% <sup>f</sup>	Life expectancy at birth:	70
Pre-primary gross enrolment:	11%	School life expectancy [years]:	N/A
Net enrolment first level:	99% <sup>m</sup> /96% <sup>f</sup>	% 1995 cohort reaching grade 5:	90% <sup>m</sup> /92% <sup>f</sup>
Secondary gross enrolment:	66% <sup>m</sup> /63% <sup>f</sup>	Tertiary students per 100,000:	1,341
Primary pupil teacher ratio:	24	% govt. expenditure on education:	17.4%

Child Risk Measure: 8 (reg. av. Middle East and North Africa: 24)

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Education receives nearly 25 percent of the national budget and is free and compulsory until age 16. The government reported that 98 percent of eligible primary school age children attend school full-time. Secondary school enrolments continued to improve. More than 124,000 students enrol annually in institutions of higher learning, including the three divisions of the University of Tunis. Although there is still disparity between male and female literacy rates, approximately 43 percent of university students enrolled in the 1997-98 academic year were women. Amnesty International reports that, in February 1999, scores of secondary school students involved in demonstrations against a reform of the examination system were beaten and otherwise ill-treated. No independent investigation was carried out into the incidents.

**ACADEMIC FREEDOM:** The government limits academic freedom. It is alleged by university teachers that the government encourages self-censorship by using the threat of tax audits, and control over university tenure and promotions. The publication of research and other academic material is monitored. Copies of seminar papers, and the names of participants in seminars and educational conferences are submitted in advance to the Ministry of Higher Education. A strong police presence on university campuses deters dissent.

**CHILD LABOUR:** The minimum age for employment in manufacturing is 16 years. The minimum age for light work in agriculture and some other non-industrial sectors is 13 years. Nonetheless, young children often perform agricultural work in rural areas and work as vendors in urban areas, primarily during the summer school vacation. Some child labour exists disguised as apprenticeships, particularly in the handcraft industry. An independent study concluded that the hiring of underage girls as household domestics has declined with increased enforcement of school attendance and minimum work age laws. Forced and bonded child labour is strictly forbidden and there were no reports of trafficking in, to, or from Tunisia. There is a Ministry for Children and Youth and a Presidential Delegate to Safeguard the Rights and Welfare of

Children. The Code for the Protection of Children proscribes child abuse, abandonment, and sexual or economic exploitation. Penalties, on conviction, are severe.

**TRADE UNION RIGHTS:** The Constitution and the Labour Code stipulate the right of workers to form unions. Unions, including those representing civil servants, have the right to strike, provided they give 10 days' advance notice and their intention is approved by the country's only labour federation. In practice, advance approval is rarely sought and there were numerous short-lived strikes over pay and conditions during 1999. The right to organise and bargain collectively is protected by law and observed in practice.

El member organisation / Membership:

- Syndicat Général de l'Enseignement de Base (SGEB) / 60,000
- Syndicat National de l'Enseignement Supérieur et de la Recherche Scientifique (SGERSUGTI) / 1,000

Population < 15:	51%	% GNP spent on education:	2.6%
Illiteracy:	24.7% <sup>m</sup> /47.1% <sup>f</sup>	Life expectancy at birth:	40
Pre-primary gross enrolment:	N/A	School life expectancy (years):	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	15% <sup>m</sup> /9% <sup>f</sup>	Tertiary students per 100,000:	179
Primary pupil teacher ratio:	35	% govt. expenditure on education:	21.4%

Child Risk Measure: 57 [reg. av. 61]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (171) (128) (189) (182)

**EDUCATION RIGHTS:** Uganda's ability to provide basic schooling for its children is hindered by the continued activities of various insurgent forces, all of whom abduct and forcibly recruit children into their rag-bag militias, and some of whom sell children into slavery. However, the government's commitment to universal primary schooling continued to expand and the education system purports to offer free education to grade 7 for a maximum of four children per family. The programme was not fully implemented due to financial restraints, instability in the north and west of the country and a severe shortage of trained teachers. About 55 percent of school-age children are in school. Girls and boys theoretically have equal access to education, and lower grades are about evenly divided by sex. There are eight institutions of higher education in Uganda with university status. They have a combined enrolment of over 30,000.

**ACADEMIC FREEDOM:** Various reliable reports state that academic freedom exists at both public and private universities with no government interference in teaching, research, or publication. Students and faculty have sponsored wide-ranging political debates in open forums on campus. The Human Rights and Peace Centre, is based at Makerere University in Kampala and operates without government restriction.

**CHILD LABOUR:** The law prohibits the hiring of children as workers below the age of 18, but child labour is widespread. Most working children are employed in the informal sector, often on subsistence farms or as domestic servants. All the insurgent groups operating in or from Uganda continued to act in 1999 without regard for basic human rights and committed numerous serious abuses against the civilian population and against children in particular. The Allied Democratic Forces [ADF] and the Lord's Resistance Army [LRA] killed, maimed, and tortured civilians, including children. The ADF abducted children, forced them to be soldiers and to witness and take part in atrocities. The LRA also abducted children and terrorised them into virtual slavery as guards, sex-chattel, and soldiers.



**TRADE UNION RIGHTS:** Since 1993 the government has extended the right to join associations or trade unions to civil servants, however, it has not ratified ILO Convention 87. School principals, are among those classified as 'essential' government employees and they are not permitted to form unions. The Constitution confirms the right to strike after 'every effort' to resolve a dispute has been exhausted. The law provides for the right to organise and bargain collectively, but procedures are archaic and overdue for reform. In the state service the Government dominates the bargaining process.

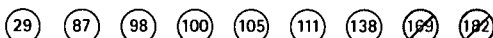
El member organisation / Membership:

- Uganda Teachers' Association (UTA) / 35,000
- National Union of Educational Institutions (NUEI) / 7,500

Population < 15:	48%	% GNP spent on education:	2.2%
Illiteracy:	16.6% <sup>m</sup> /32.2% <sup>f</sup>	Life expectancy at birth:	40
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	8.3m/7.2f
Net enrolment first level:	75%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	34% <sup>m</sup> /21% <sup>f</sup>	Tertiary students per 100,000:	238
Primary pupil teacher ratio:	39	% govt. expenditure on education:	7.1%

Child Risk Measure: 58 [reg. av. 61]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** About 70 percent of Zambia's population live in extreme poverty and education is neither free nor compulsory. Despite this Zambia has one of the higher rates of educational expansion in sub-Saharan Africa at the primary and secondary levels. About 75 percent of all primary-school-age children have some schooling between the ages of seven and 13 years and it is estimated that some 2.4 million children were enrolled in 2000. Zambia is committed to providing access to all children by the year 2015. In 1999, only 16 percent of students carried on to upper secondary school level. About 11,000 students were enrolled at university and other tertiary institutions.

**ACADEMIC FREEDOM:** The government respects academic freedom at the University of Zambia. However, a university act, if passed, will give greater power to the Minister of Education to supervise the university and there is concern among the faculty that this will curtail academic freedom. University professors and students obtained a court injunction towards the end of 1999 effectively blocking the passage of the new legislation and it must now be resubmitted to parliament.

**CHILD LABOUR:** The legal minimum age for employment of children is 16 years. The Labour Commissioner effectively enforces this law in the formal sector, where because of high adult unemployment, there are no jobs available to children. The law is not enforced, however, for those who work in subsistence farming, domestic service, and informal sectors, where children under age 16 are often employed. In urban areas children commonly engage in street vending. The number of street children in Lusaka increased from 35,000 in 1991 to 90,000 in 1998, partly because of the growing number of parents who have died from the AIDS virus. Approximately 75 percent of all households are caring for at least one orphan.

**TRADE UNION RIGHTS:** The Constitution provides for the right of workers to form trade unions and approximately 60 percent of the 300,000 formal sector workers are unionised. The

1993 Industrial and Labour Relations Act [ILRA] re-established the 'one industry, one union' principle. The government continues to argue that the Zambia National Union of Teachers represents secondary school teachers and refuses to recognise the right of secondary teachers to form a separate union. All workers have the right to strike, except those engaged in essential services. The ILRA provides for the right to organise and bargain collectively. Employers and unions in each industry negotiate collective bargaining agreements through joint councils in which there is no government involvement. Civil servants and teachers, negotiate directly with the government.



Population < 15:	39.64%	% GNP spent on education:	N/A
Illiteracy:	8.9% <sup>m</sup> /18.1% <sup>f</sup>	Life expectancy at birth:	44
Pre-primary gross enrolment:	N/A	School life expectancy (years):	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	79%
Secondary gross enrolment:	52% <sup>m</sup> /45% <sup>f</sup>	Tertiary students per 100,000:	661
Primary pupil teacher ratio:	39	% govt. expenditure on education:	N/A

Child Risk Measure: 48 [reg. av. 61]

Ratification of ILO Conventions:

29 97 98 100 105 111 138 189 182

**EDUCATION RIGHTS:** While there is no compulsory education in Zimbabwe about 93 percent of children reach grade five. However, with the reintroduction of school fees in urban primary schools and rural secondary schools, enrolment numbers have declined. If a family is unable to pay tuition costs, it is most often female children who leave school. The school curriculum includes human rights education, and HIV/AIDs education at both primary and secondary levels. Higher education institutions include a number of teachers' colleges and several agricultural and technical schools, as well as the University of Zimbabwe, at Harare, and two newer universities at Bulawayo and Mutare.

**ACADEMIC FREEDOM:** The University of Zimbabwe Amendment Act and the National Council for Higher Education Act curtail academic freedom by restricting the independence of universities making them subject to government influence, and extending the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controls the University of Zimbabwe and appoints its chancellor and vice chancellor. Since 1998 the Ministry has appointed the Deans of Faculty and most members of the University Council. The expansion of the government's control over the University has been the subject of student demonstrations. On 26 October 1999, riot police used tear gas to prevent some 3,000 students from marching to the city centre in protest.

**CHILD LABOUR:** Legislation passed in 1999 bans the employment of children under the age of 15, and restricts employment and hours of work of those between the ages of 12 and 17 to light work during school holidays. All hazardous employment, overtime and night shift work is banned for those under the age of 18. Child labour in the formal agricultural sector, such as on tea and coffee plantations, reportedly involves children working in the fields after school, during the planting and harvesting seasons and full-time during school holidays. Anecdotal evidence suggests some school schedules and calendars are tailored to allow children to work in the fields during busy farming periods. The AIDs virus has killed nearly 600,000 citizens since the late

1980s, creating in its wake hundreds of thousands of orphans. It was projected there were 543,000 orphans in 2000 and this is expected to rise to 918,000 by 2005. At the provincial and national levels, the authorities are saddled with increasing demands for community orphan projects, orphanages, health care and school fees. The number of street children, with related problems of theft, street violence, drug use, and violent death, is increasing.

**TRADE UNION RIGHTS:** The Labour Relations Act [LRA] provides private sector workers with freedom of association and the freedom to form or join unions. The LRA does not cover public servants and their associations, including EI affiliate, the Zimbabwe Teachers Association [ZIMTA]. The government determines public servants' conditions of employment, classifies them all as essential workers, and prohibits them from striking. A law reform in 1999 permitted "essential workers" not covered by the LRA to belong to unions, and provided them with limited rights to strike. Teachers could bargain collectively although such activity would be at the discretion of the Minister of Labour. When in June 1999, teachers, public servants and nurses associations went on strike for a 20 percent cost of living adjustment, the government clamped down after a week and said that those who continued to strike would be severely dealt with. In the run-up to the general election in 2000, teachers were attacked on the basis of allegations of political allegiance with the opposition Movement for Democratic Change. They were accused of promoting anti-government propaganda in classrooms and communities. Especially in rural areas teachers were randomly targeted by government supporters and more than 2,000 were physically assaulted, some were sexually molested or raped, and at least one teacher was murdered. EI launched an Urgent Action Appeal in May 2000 in support of Zimbabwe's teachers.

**EI member organisation / Membership:**

- Zimbabwe Educational Scientific and Cultural Workers Union (ZESSCWU) / 6,000
- Zimbabwe Teachers' Association (ZIMTA) / 45,000
- Zimbabwe Teachers' Union (ZITU) / 13,000



Population < 15:	21%	% GNP spent on education:	5.5%
Illiteracy:	Negligible	Life expectancy at birth:	77m/83f
Pre-primary gross enrolment:	78%	School life expectancy [years]:	17.1
Net enrolment first level:	95%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	148%	Tertiary students per 100,000:	5,682
Primary pupil teacher ratio:	17	% govt. expenditure on education:	13.5%

Child Risk Measure: Less than 5 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** Education is primarily the responsibility of the individual Australian states. The federal government has responsibility for the university sector, and the Australian Capital Territory. Education is free and compulsory between the ages of six and 15 in all states except Tasmania, where the upper age is 16. Most children start their primary schooling at the age of five. And transfer to the secondary level at the age of 12. Secondary schools and junior technical schools provide five or six-year courses that enable students to prepare for state examinations for university entrance. About 72 percent of students attend public schools that are secular, although students may attend religious classes. Private schools are usually denominational, principally Roman Catholic, and charge tuition fees. The federal government assists the majority of private schools. The Australian Education Union expressed strong concern in July 2000 about proposed legislation that would, among other things, increase the proportion of federal support to private schools. Indigenous Aborigines and Torres Strait Islanders make up about two percent of the population. Despite federal government programmes targeted at improving the quality of life of Aboriginal people and Torres Strait Islanders, Indigenous Australians continue to have inferior access to schooling and only 31 percent of Aboriginal children complete secondary education compared with the national average of 85 percent. Australia has 38 universities, and a large number of colleges offering advanced education in specific subject areas. Their combined annual enrolment is in excess of 1,000,000 and includes tens of thousands of fee paying foreign students, mainly from Asia.

**ACADEMIC FREEDOM:** The federal and state governments respect academic freedom.

**CHILD LABOUR:** Compulsory educational requirements effectively prevent children from joining the workforce full-time until they are 15 or 16 years of age. Federal and state governments monitor and enforce a network of laws regarding minimum age to engage in specified occupations. There is known to be some child labour, particularly in agriculture and in family enterprises. Australian youths may join the military at 17 years of age. The government has enacted legisla-

tion restricting the trade in, and possession of, child pornography. Suspected paedophiles may be tried in Australia regardless of where the crime was committed. The government and domestic NGOs have responded promptly to the problem of a small number of children from Asia who have been smuggled into the country for the sex trade by organised crime. In April 1999, children were discovered working in clothing sweatshops in Sydney and Melbourne. The federal government is considering whether additional legislation is needed to combat such exploitation. The government of the state of Victoria has already moved to enact laws to curb worst forms of child labour.

**TRADE UNION RIGHTS:** Current legislation, the Workplace Relations Act, represents a serious attack on trade union rights. The Act was designed to replace the existing system of wage fixing and collective bargaining with workplace-based agreements. It gave individual representation and individual agreements primacy over collective representation and collective agreements. It also placed union and non-union agreements on an equal footing. The Act limited industry-wide collective agreements or awards to a basic set of conditions, and made it harder to achieve federal award coverage. It made signed individual agreements, called Australian Workplace Agreements, secret making it difficult for them to be checked for breaches of minimum wages and working conditions. The scope for legal strikes was narrowed and penalties for breaking the law were increased. In its 1998 report, the ILO Committee of Experts on the Application of Conventions and Recommendations found, among other things, that the Workplace Relations Act was in breach of Article 4 of ILO Convention 98. The Australian federal government rejected the ILO's findings and said that they were not relevant to the Australian workplace. During 1999, the government planned to further reduce union influence, including by amendments to the Workplace Relation Act which would make it easier for employers to coerce workers into agreements that leave them worse off. In August, the Australian Council of Trade Unions held rallies to protest against the proposed legislative changes. The proposed changes were defeated in Parliament in November 1999. In 2000, the ILO Committee of Experts again identified a number of aspects of the Workplace Relations Act that are not in conformity with Convention 98. These include failure to adequately protect against discrimination based on trade union activities, failure to encourage collective bargaining and the need to ensure that choice of bargaining agent is made by the workers themselves, including in the case of a new business.

FOOTNOTE: RESPONSIBILITIES: Norfolk Island, Territory of Australia [population 1,892]

Member organisation / Membership:

- Australia Education Union (AEU) / 153,350
- National Tertiary Education Union (NTEU) / 25,147
- Education Union of Australia (IEU) / 36,800



Population < 15:	36%	% GNP spent on education:	2.2%*
Illiteracy:	49.5% <sup>m</sup> /72.2% <sup>f</sup>	Life expectancy at birth:	58
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	50%
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

\* Ministry of Education only

Child Risk Measure: 47 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (169) (182)

**EDUCATION RIGHTS:** The government made universal primary education between the ages of six and 10 years compulsory in 1996 but stated that it could not fully implement the law because of a lack of resources. In 1999 Bangladesh had 63,534 primary schools staffed by 309,000 teachers, about 40 percent of whom were untrained. Because of limited facilities most schools operate two shifts, resulting in children spending only three hours per day in the classroom. The financing of basic education is supplemented by local and foreign NGOs. For example, the Bangladesh Rural Advancement Committee, a domestic NGO, provides primary education for more than 1.2 million children. In recent years, female school enrolment has improved and approximately 50 percent of primary and secondary school students are female. There are 2,500 early childhood facilities and approximately 13,000 secondary schools. At the tertiary level, Bangladesh has 11 universities and some 1,700 general colleges, including 68 teacher-training institutions. Armed clashes between rival student factions resulted in the temporary closures of five universities or colleges in 1999. Typically, the clashes arose from gang-related on-campus extortion rackets run by non-students. At Jahangirnagar University, legitimate students protested at the authority's ineffective response to quelling the concomitant violence and disruption to their studies.

**ACADEMIC FREEDOM:** The government generally respects academic rights. Self-censorship may apply to sensitive and contentious religious or political issues.

**CHILD LABOUR:** Bangladesh participates in the ILO's IPEC programmes and supports UNICEF's programme to provide education for 350,000 children in urban slum areas. And as a result of a tripartite agreement to make the country's garment factories child labour free, the employment rate of children under the age of 14 in the garment industry declined to five percent by August 2000, from 43 percent in 1995. However, despite this progress there is no law that uniformly prohibits the employment of children, and child labour remains a serious problem. Widespread poverty coupled with a lack of access to education compels as many as seven million Bangladeshi

children between the ages of five and 14 years to be in the workforce. The majority of child workers perform unpaid, working alongside other family members in small-scale and subsistence agriculture. In urban areas children are commonly seen driving rickshaws, breaking bricks at construction sites, or carrying market produce for shoppers. In the shrimp industry they can be found as peelers, packers and beachcombers. Reports from human rights organisations indicate that worst forms of child labour such as trafficking for bonded labour and forced prostitution are serious problems. Domestic service, akin to servitude, frequently results in abuse of children, mainly through mistreatment by employers. There is also extensive trafficking in children to other countries, primarily to the Middle East, India, Pakistan and South East Asia. UNICEF has estimated that there are about 10,000 child prostitutes in Bangladesh. Other estimates, from domestic NGOs, place the figure as high as 29,000. Procurers of child prostitutes are rarely prosecuted, although the law stipulates a life sentence in prison on conviction. The government failed to implement its commitment, as a member of SAARC, to eliminate hazardous child labour by 2000. And, as it has not granted additional resources to the Ministry of Labour at this stage, it will be unable to honour its commitment to eliminate all child labour in Bangladesh by 2010. EI's Bangladesh affiliates are working together on an IPEC supported programme to combat child labour through education.

**TRADE UNION RIGHTS:** Civil servants are forbidden to join unions. Consequently, teachers have formed associations that perform functions similar to labour unions, namely, providing for members' welfare, offering legal services, and airing grievances. Collective bargaining is also prohibited in the public sector. Public sector workers' pay levels, and other benefits, are determined by the National Pay and Wages Commission. The Commission's recommendations are binding and may not be disputed except on the issue of implementation. University employees have formed unregistered unions. During 1999, university teachers went on strike for short periods over pay benefits and the continuing problem of campus violence. A tripartite National Labour Law Commission was established in 1992 to review the labour law and a new draft code was drawn up. In 1999 the government once again told the ILO that a review committee was considering the 1992 draft.

EI member organisation / Membership:

- Bangladesh Teachers' Association (BTA) / 65,000
- Bangladesh Teachers' Federation (BTF) / 165,000
- Federation of Teachers' Associations (NFTA) / 77,536



Population < 15:	31%	% GNP spent on education:	N/A
Illiteracy:	6.2% <sup>m</sup> /14.1% <sup>f</sup>	Life expectancy at birth:	71m/76f
Pre-primary gross enrolment:	53%	School life expectancy [years]:	11.4m/10.1f
Net enrolment first level:	91%	% 1995 cohort reaching grade 5:	92%
Secondary gross enrolment:	72% <sup>m</sup> /82% <sup>f</sup>	Tertiary students per 100,000:	516
Primary pupil teacher ratio:	15	% govt. expenditure on education:	N/A

Brunei Darussalam is not a member of the ILO.

**EDUCATION RIGHTS:** Educational services are relatively well developed. Education is free, compulsory and universal for nine years for all Brunei citizens. Members of the "stateless" Chinese community, however, do not qualify. There is provision for Malay, English or Chinese to be used in the classroom at primary and secondary levels. Educational opportunities for children with disabilities are inadequate and the Ministry of Education is rectifying the problem with training programmes for teachers and the provision of specialist facilities. The Ministry of Education requires schools to include courses on Islam and to assert traditional Muslim values while at the same time placing strictures on the teaching of the history of religion. Only international schools in the capital, Bandar Seri Begawan, are exempt. For Brunei nationals, education is free up to the highest level at overseas universities, as well as at the University of Brunei Darussalam, which has over 1600 students. Nearly two-thirds of the University's entering class is female.

**ACADEMIC FREEDOM:** The government respects academic freedom. The University is increasingly Islamicized.

**CHILD LABOUR:** The law prohibits employment of children below the age of 16. Parental consent and approval by the Labour Commission is required for those below the age of 18. There were no reports of violations of child labour laws.

**TRADE UNION RIGHTS:** Trade unions are legal in Brunei but must be registered with the government. All workers, including civil servants, may form or join trade unions. There are three registered trade unions, all of them in the oil sector, and with a total membership amounting to less than five percent of that industry's workforce. Some 40 percent of Brunei's workforce are temporary residents. The law is silent on collective bargaining.

El member organisation / Membership:

- Brunei Malay Teachers' Association (BMTA) / 1,020
- atuan Pendidik Nasional Brunei (PPN) / 400

Population < 15:	18%	% GNP spent on education:	2.9%
Illiteracy:	3.8% <sup>m</sup> /11.4% <sup>f</sup>	Life expectancy at birth:	77 <sup>m</sup> /82 <sup>f</sup>
Pre-primary gross enrolment:	83%	School life expectancy [years]:	N/A
Net enrolment first level:	88% <sup>m</sup> /91% <sup>f</sup>	% 1995 cohort reaching grade 5:	100%
Secondary gross enrolment:	71% <sup>m</sup> /76% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	24	% govt. expenditure on education:	N/A

Hong Kong has amended labour legislation and taken administrative measures to apply 49 ILO Conventions, including fundamental Conventions 29, 87, 98 and 105. Under the Basic Law, China committed itself to adhere to these Conventions. China has ratified Convention 100 and, since the 1st edition of the Barometer, Convention 138.

**EDUCATION RIGHTS:** Education is free and compulsory for all children from the ages of six to 15. Adult literacy is over 90 percent. Some 60 percent of schools, from early childhood to secondary level, are private. There are eight publicly funded universities, including the Hong Kong Academy of Performing Arts [incorporated the Conservatory of Music and the Academy of Ballet] and more than a dozen technical institutes. All of these institutions are under strain because of demand and only a small percentage of high school graduates attend college or university on a full-time basis. Colleges of education train primary teachers, while responsibility for teacher training for secondary education rests with the universities. The authorities acknowledge that the existing system of secondary school place allocation discriminates against girls. Despite this the number of females taking advanced-level examinations, and the number of females matriculating at universities exceeds the male levels by two to five percent.

**ACADEMIC FREEDOM:** Hong Kong's publicly funded universities have been generally untouched by political pressure since the former British Colony reverted to Chinese rule in 1997. However, in July 2000, it was alleged that a prominent professor of political science at Hong Kong University had been warned not to publish surveys critical of the Chief Executive's decline in popularity or financial support for his work would dry up. A University sponsored report concluded that an attempt had been made to inhibit the professor's academic freedom and in September the vice chancellor and his deputy resigned. The Chief Executive, Tung Chee-hwa, made a statement on the issue, proclaiming academic freedom to be the "foundation of Hong Kong's success" and a principle fully endorsed by his administration.

**CHILD LABOUR:** The Employment of Children Regulations prohibits employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may be employed in certain non-industrial establishments, subject to conditions aimed at ensuring a minimum of nine years education and protecting their safety, health and welfare. In 1998 the Labour Department conducted 156,634 inspections of industrial work places and discovered

only 10 violations of the Regulations. The government drafted legislation in 1999 to outlaw pornographic literature involving children. Additional legislation will make it an offence to arrange or promote sex with children under age 16. There were reports in 1999 of criminal gangs trafficking Malaysian girls to Hong Kong to work as prostitutes.

**TRADE UNION RIGHTS:** Amendments to the Employment and Labour Relations legislation removes the legal right of trade unions to engage employers in collective bargaining. As reported in the 1st edition of the Barometer, EI protested these amendments. In November 1999, the ILO Committee on Freedom of Association concluded that the new ordinance breached Conventions 87 and 98 and recommended that steps be taken to remedy the situation. The government's interim response was to claim that it was in compliance with all ILO conventions to which it is a party. The law provides for freedom of association and for the right of workers to establish and join organisations of their own choosing. Trade unions must be registered under the Trade Unions Ordinance. At the end of 1998, there were 558 trade unions representing over 22 percent of Hong Kong's 3.1 million salaried employees and wage earners. The right to strike is not protected in law. There is some restriction on the right for civil servants to strike or stop work. In practice, most workers must sign employment contracts that typically state that walking off the job is a breach of contract and can lead to summary dismissal.

EI member organisation / Membership:

- Hong Kong Teachers' Association [HKTA] / 1,800
- Hong Professional Teachers' Union [HKPTU] / 60,674

Population < 15:	N/A	% GNP spent on education:	3.2%
Illiteracy:	N/A	Life expectancy at birth:	69m/73f
Pre-primary gross enrolment:	64%	School life expectancy [years]:	N/A
Net enrolment first level:	99%	% 1995 cohort reaching grade 5:	90%
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	11%

Cook Islands is not itself a member of the ILO or the United Nations, however in 1997, as a non-member state, Cook Islands became the 191st country to ratify the UN Convention on the Rights of the Child.

**EDUCATION RIGHTS:** Education is compulsory for children from ages five until the end of the year in which a child turns 15. By this age a student is expected to have completed grade 10 (form 4) level. School fees are requested but are not mandatory. There are 36 primary schools with at least one school on every permanently inhabited island. The total primary enrolment of 4,950 in 1998 was the lowest for more than a decade and represents an 11 percent decrease since 1996 – this reflects migratory trends to New Zealand. Eighty-five percent of students attend public schools. In 1998, 450 children were enrolled in early childhood education. There are seven secondary schools, with secondary school education available on all the inhabited islands in the southern group. The governments of New Zealand and Australia provide scholarships for qualified students to study at overseas upper secondary and tertiary institutions. As a result, many Cook Islanders leave the islands to continue their education. The majority does not return. The University of the South Pacific has a small extension centre in the capital, Avarua, on Rarotonga. There is also a teacher' training college in Avarua.

**ACADEMIC FREEDOM:** Cook Islands is one of 12 countries which jointly owns the University of the South Pacific. Cooks Islands respects the fact that the Senate is the University's authority, responsible for such matters as teaching and research and does not interfere with its academic independence. SEE ALSO FIJI.

**CHILD LABOUR:** The Industrial and Labour Ordinance of 1964 prohibits employment of any child under 16 years of age in any factory, unless a certificate stating that the boy or girl is fit for the employment has been obtained from the Industrial Relations Officer. Those under 18 years old are prohibited from working in any "dangerous occupation". The Industrial Relations Officer has the power to determine that an occupation is dangerous.

**TRADE UNION RIGHTS:** Freedom of association and the right to collective bargaining are recognised in law.

FOOTNOTE: The Cook Islands is a self-governing state in free association with New Zealand. New Zealand retains responsibility for defense and foreign affairs, in consultation with the Cook Islands' government. Cook Islanders are also New Zealand citizens and approximately 50,000 live in New Zealand. SEE ALSO NEW ZEALAND.

El member organisation / Membership:  
 odchers' Institute (CIT) / 616

**Republic of the Fiji Islands • Population: 812,918**

SEE FOOTNOTE

Population < 15:	33%	% GNP spent on education:	N/A
Illiteracy:	5.9% <sup>m</sup> /10.6% <sup>f</sup>	Life expectancy at birth:	73
Pre-primary gross enrolment:	15%	School life expectancy [years]:	N/A
Net enrolment first level:	63%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	16.8%

**Ratification of ILO Conventions:**

(29) (87) (98) (100) (105) (111) (128) (169) (182)

**EDUCATION RIGHTS:** Since the 1st edition of the EI Barometer, primary education has become compulsory in Fiji. Net enrolment at grade 1 improved between 1996 and 1998 from 63 percent to over 83 percent. The state provides free education for eight years, funding 693 primary schools and 142 secondary schools. Tuition is charged for levels nine to 12, but some financial assistance is available. The government pays incentive allowances for rural postings to encourage teachers to serve in more remote areas of the widely scattered archipelago. The main campus of the University of the South Pacific is situated at Laucala, near Suva and serves not only Fiji but also 11 other Pacific island nations. The Fiji School of Medicine provides training in a wide range of health science disciplines. The Fiji Institute of Technology and a number of vocational schools are located in the capital. There are teachers' training colleges in Suva and Lautoka.

**ACADEMIC FREEDOM:** The faculty members of the University of South Pacific [USP] are constrained by the nature of their contracts from participating in anything that might be construed as commentating on Fijian domestic politics. During 1998 two foreign-born lecturers were investigated after publishing material critical of democracy in Fiji. It was alleged the lecturers had breached their work permits. There may also have been pressure, since the hostage taking and deposing of the elected government in 2000, to ensure an Indigenous Fijian was appointed vice chancellor. The new vice-chancellor, Esekia Solofa, has used his position to threaten both staff and students with suspension or dismissal if they engage in "provocative comments or criticisms" and warns them to refrain "from all public political activity." The University is a multi-national institution and its academic authority derives from its Senate and not from the government of Fiji. The USP is governed by its own council, which includes representatives of all 12 member governments – Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu and Samoa.

**CHILD LABOUR:** The law prohibits employment of anyone under 12 in any capacity and under the age of 17 to work in industry or with machinery. Estimates based on school attendance and

dropout rates suggest that children are engaged in labour, mostly in the informal sector, in family businesses and on family farms. The Global March Against Child Labour reports that there are growing numbers of street children in Suva. The UN Special Rapporteur and other sources state that increasing numbers of Fijian children are involved in prostitution, typically for western tourists.

**TRADE UNION RIGHTS:** Fiji's Constitution revoked several aspects of the anti-union decrees which were introduced after the 1987 military coups. These decrees divided workers on racial and cultural grounds, made union organising almost impossible and regulated union activity in minute detail. During 1999 progress was made on a consolidated Industrial Relations Bill. Fijian trade unions can now conduct secret strike ballots without government supervision. The law protects the right of workers to form and join unions. However, the law permits wide-ranging restrictions to be applied to government employment. The implementation of the Job Evaluation Review of the Public Sector in 1998 saw a marked improvement in teachers' salaries in Fiji. Following the failed coup d'etat in May 2000, the "interim government" set about drafting a new constitution. The Fiji Trades Union, The ICFTU and both the Australian and New Zealand trade union councils, have condemned the redrafting on the grounds that the interim administration has no mandate and is not the legitimate heir to a democratically elected government. EI's two affiliates, FTA and FTU, have been together in developing a programme to promote reconciliation and democracy through their members and within the education system.

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FOOTNOTE: Constitutional changes, enacted in 1998, made for a more equitable society, while protecting traditional beliefs, and cultural values of the Indigenous Fijian majority. Free and democratic elections in 1999 resulted in a government led by an Indo-Fijian. However, in May 2000, an armed group stormed the Parliament and took hostages, including the Prime Minister. The terrorists demanded the removal of the freely elected government and the abrogation of the Constitution. Although the Fiji Military Forces eventually routed the perpetrators, the political situation remains unstable with Fiji constitutionally in a vacuum.



Population < 15:	34%	% GNP spent on education:	3.3%
Illiteracy:	33.5% <sup>m</sup> /57.5% <sup>f</sup>	Life expectancy at birth:	62m/63f
Pre-primary gross enrolment [1999]:	16.9%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	59% <sup>m</sup> /39% <sup>f</sup>	Tertiary students per 100,000:	638
Primary pupil teacher ratio:	47	% govt. expenditure on education:	11.6%

Child Risk Measure: 45 [reg.av. 31]

Ratification of ILO Conventions:

29

87

98

100

105

111

126

189

182

**EDUCATION RIGHTS:** Primary school education is not free, compulsory or universal. The government states that there are 2.9 million primary school teachers and 151 million children aged six to 14 years enrolled at primary school. This is said to represent 82 percent of primary age children. However, there are at least 218 million children in India in the six to 14 year age group. According to UNICEF 59 percent of boys and 38 percent of girls are enrolled in secondary school. The school systems of the various states are under the direct control of the state governments, and the federal Ministry of Education assists the state systems, and provides financial help for the nation's institutions of higher learning. Educating a vast population, with its many social complexities has remained difficult. The relics of the ancient caste system, inadequate vocational placement, and religious and cultural diversity have contributed to the difficulty of reform. India is host to hundreds of thousands of displaced persons, including Burmese, Santhals, Chins, Chakma, Reangs and Kashmiris. The refugees live in camps in poor conditions and their children receive little schooling. It is estimated that as many as ten million Bangladeshis reside in India illegally and their children have no access to education. The government of Tamil Nadu provides schooling for the children of some 150,000 Sri Lankan Tamil refugees. Christian schools, their students and teachers were targeted by fanatics during 1999. The nation as a whole deplored these attacks. There are 221 universities and 10,555 other colleges of higher education in India. They have a combined annual enrolment in excess of seven million. At present there are eight Open Universities in the country. Women make up 10 percent of those enrolled in higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Estimates of the number of child labourers in India range widely. A government commission found the number of child labourers in 1993 to be 25 million and growing at four per cent per year. The ILO estimates the number at 44 million. In fact, 12.6 million children in the age group five to 14 are known to be in full time employment, and the status of 54 million children is unknown, although they are not enrolled in school. Most of the 67 million children not in school do housework,

work on family farms, or work along side their parents as agricultural labour. Children work as domestic servants, or are employed in industries which utilise child labour such as hand-knotted carpets, gemstone polishing, brass and brass metal articles, glass and glassware, footwear, textiles, silk and fire-works. Perhaps half of India's child labourers are engaged in dangerous work activities. Although bonded labour is prohibited, the Government does not enforce the prohibition effectively. In the carpet industry alone, human rights organisations estimate that there may be as many as 300,000 children working, many of them in conditions that amount to bonded labour. Human Rights Watch estimates that some 15 million children are bonded labourers. The media reported that child labourers were being sold by an organised ring at a cattle fair in Bihar in 1999. A 12 year old child was purchased for \$US21. The children of illegal Bangladeshi migrants are especially prone to exploitation. There are an estimated 500,000 street children and as many as 575,00 child prostitutes in India. Trafficking in children for the purpose of forced prostitution is a widespread problem. One report indicates that of an estimated 100,000 child prostitutes in Mumbai, fifty percent are from Nepal and are being kept in brothels against their will. Most of the victims of this worst form of child labour are between the ages of 10 and 17, although some girls are as young as seven years of age. The government participates in the ILO's IPEC programmes and co-operates with other agents of the UN system, but all efforts have touched only a small fraction of children in the workforce. The prevalence of child labour may be partly attributed to the social acceptance of the practice but the primary blame rests with failure of state and federal governments to provide universal primary school education. The BJP-led government, elected in 1998 and re-elected in 1999, pledged to honour the Indian Constitution, which provides for primary education to be free and compulsory. It also committed itself to eliminate child labour. In 1998 the government increased the number of industries and occupations in which child labour is prohibited from 18 to 54 but did nothing to improve the enforcement of child labour laws although it said it would do so. EI's affiliates are working together on a campaign to combat child labour.

**TRADE UNION RIGHTS:** The right to freedom of association is guaranteed in the Constitution. In general collective bargaining is the normal means of setting wages and settling disputes in the formal sector of the economy which employs approximately 30 million workers. The total workforce has been estimated at 400 million. Trade unions have the right to strike, but civil servants are governed by Conduct Rules. The Rules state that no government servant can resort to any form of strike or coercion in connection with any matter pertaining to his/her service and that making of joint representations is a subversion of discipline and not permitted. The provisions of these Conduct Rules have been cited by the government as one of the reasons for its failure to ratify ILO Conventions 87 and 98. Recently several states introduced a system of "para-teachers." They are employed at extremely low wages and receive no training. Ostensibly, para-teachers work along side trained teachers and in areas where there is a teacher shortage. The introduction of this programme, which is funded in part by the European Union and the World Bank, is looked upon with considerable misgivings by AITF and other teacher unions affiliated to EI.

**EI member organisation / Membership:**

- All India Association for Christian Higher Education (AIACHE) / 17,400
- All India Federation of Educational Associations (AIFEA) / 135,800
- All India Federation of Teachers' Organisations (AIFTO) / 1,600,000
- All India Primary Teachers' Federation (AIPTF) / 2,000,000
- All India Secondary Teachers' Federation (AISTF) / 1,200,000

Population < 15:	30.57%	% GNP spent on education [2001]:	1.7%
Illiteracy:	9.4% <sup>m</sup> /20.4% <sup>f</sup> [59% in E.T.]	Life expectancy at birth:	65
Pre-primary gross enrolment:	18%	School life expectancy [years]:	10.4m/9.6f
Net enrolment first level: 96% <sup>m</sup> /93% <sup>f</sup> [70% E.T.]		% 1995 cohort reaching grade 5:	88%
Secondary gross enrolment:	55% <sup>m</sup> /48% <sup>f</sup> [38.7% E.T.]	Tertiary students per 100,000:	1,157
Primary pupil teacher ratio:	22	% govt. expenditure on education [2001]:	4.4%

Child Risk Measure: 34 [reg.ov. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Indonesia's Education for All (EFA) Report called for universal access to primary education by the year 2000, and supported a nine-year compulsory programme. The central government allocates only 1.7 percent of GNP to education but local and regional governments have an official responsibility to contribute to the education budget. Individual communities, NGOs, religious institutions, private enterprises and international donor organisations, including the UN agencies contribute additional funding. The economic crisis of 1997-98 affected Indonesia's ability to deliver basic universal and compulsory education on schedule but even before the economic downturn, the reforms could not have been fully implemented due to inadequate school facilities and the lack of family financial resources to support children staying in school. Official and unofficial fees for public education, including payments for registration, books, examination and testing, and uniforms had risen to prohibitively high levels for many families. UNICEF estimates that more than one million children drop out of primary school every year due mainly to the costs associated with education and the need for the children to supplement family income. Nationalistic ethnic and communal conflicts, particularly in Aceh, Maluku, West Kalimantan, and Irian Jaya have resulted in further setbacks to the Indonesian goal of providing schooling for all its children. During 2000 armed groups destroyed more than 130 schools. Elsewhere in the archipelago, the military used deadly force in dispersing student demonstrators. During May 2000, two students were killed by police on the campus of Nomensen Christian University and in September security forces shot and killed nine persons and seriously injured others in the vicinity of Atma Jaya Catholic University, Jakarta. Later that month two student demonstrators were shot dead in Lampung. There are more than 900 institutes of higher education. They have a combined enrolment in excess of 2.3 million. The ethnic Chinese minority who make up about three percent of the population are prohibited, by law, from formally running Chinese schools and are otherwise officially disadvantaged: for example, state universities have informal quotas which limit the number of Chinese students. There are, however, four highly regarded private universities with principally Chinese student enrolments.

**ACADEMIC FREEDOM:** While there are constraints on academic freedom, political activity and open discussion at universities increased significantly in 1999.

**CHILD LABOUR:** The government participates in the ILO's IPEC programmes and ratified Conventions 138 and 182 during 1999. The law states that children under the age of 15 may not work more than four hours a day but enforcement is weak. After the economic downturn in 1997 the number of child labourers between the ages of 10 and 14 increased to 2.5 million. Unofficial estimates of working children are much higher because documents verifying age are easily falsified and because children under 10 are not included. UNICEF stated in 2000 that there are more than six million children aged seven to 15 who do not attend school. Although accurate figures are not available reliable estimates state that there are 1.5 million children in domestic servitude. According to an Atma Jaya University survey, financed by the Asian Development Bank, there are nearly 40,000 street children in 12 provincial cities. They sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. One third of all children workers work under hazardous conditions as scavengers, in shoe factories, and chemical industries. Children also work on fishing platforms [the Jermals] off the East Coast of North Sumatra, under conditions approximating bonded labour. The government has acted to eliminate this worst form of child exploitation by withholding permits and by physically removing children from the platforms. Such initiatives are compromised by vested interests, which include the Indonesian Navy. Children also work in the rattan and wooden furniture industries, the garment industry, the footwear industry, food processing and toy making, among others. Children working in factories usually work the same number of hours as adults. Indonesia is a significant source, transit point, and destination for trafficked children for the purpose of forced prostitution, and related worst forms of child labour. El's affiliate, the PGRI, is involved in an IPEC funded project to combat child labour by providing an information kit on the elimination of child labour for teachers and their organisations. PGRI intends to follow this up with training programmes and anti-child labour campaigns directed at teachers and the community.

There are reliable reports that up to 1,000 East Timorese children aged six to 17 have been abducted from refugee camps in West Timor for the purpose of indoctrination, forced labour and forced prostitution.

**TRADE UNION RIGHTS:** During 1999 the Minister of Home Affairs announced that civil servants would no longer be required to belong to KORPRI, a non-union association whose Central Development Council is chaired by the Minister. The Teachers' Association (PGRI) has begun to restructure and reorganise to ensure its independence from all political parties. Since their registration in 1998 as an officially registered trade union in the Ministry of Man Power, PGRI has conducted training programmes for their membership. Since the 1st edition of the EI Barometer in 1998, Indonesia has ratified ILO fundamental Conventions 87, 105, and 111. While far-reaching improvements with respect to trade union rights took place after the resignation of President Suharto, reports continue of military and police involvement in industrial disputes, as well as arrests of workers involved in them. In May 2000, despite dissatisfaction with the government's response for a salary improvement, Jakarta members of PGRI elected not to take action that would interfere with 300,000 students taking state examinations.

FOOTNOTE: In a referendum held 30 August 1999, under UN auspices, East Timor, one of Indonesia's provinces which was annexed by the Indonesian army in 1975, voted overwhelmingly for independence. Militias then went on a rampage, terrorising the population, and destroying most of the infrastructure. An international peacekeeping force began efforts to restore order in September 1999. A UN Transitional Administration is now overseeing East Timor's transition to an independent state. Education services were brought to a standstill in East Timor when enforced displacement, accompanied by intimidation and violence, deprived over 200,000 children of their right to learn. There were about 900 schools with 230,000 students before the independence referendum. About 80 percent of the schools and related infrastructure were destroyed in the violence perpetrated by the militia. This included the destruction of the only university, in Dili, and the polytechnic. The UN Transition Administration is rebuilding 300 schools. This will, at best, accommodate two-thirds of the student population, operating on double shifts. East Timor suffers from an acute shortage of teachers, especially secondary school teachers. EI is assisting efforts to establish an independent teachers' union in East Timor. They held their first Congress in October 2000. The University of East Timor reopened in November 2000.

Population < 15:	15%	% GNP spent on education:	3.6%
Illiteracy:	Negligible	Life expectancy at birth:	77m/84f
Pre-primary gross enrolment:	50%	School life expectancy [years]:	13.2
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	103%	Tertiary students per 100,000:	3,131
Primary pupil teacher ratio:	19	% govt. expenditure on education:	9.9%

Child Risk Measure: less than 5 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Enrolment levels for both boys and girls until the end of the free and universally available upper secondary level (at age 18) exceeds 95 percent. Education is centralised under the Ministry of Education. All children at age six are required to begin the six years primary schooling. On completion they are required to go on to a three-year lower secondary school. The upper secondary school programme lasts three years or longer. There are a variety of options available at the upper level, including full-time study, part-time [day or evening] and correspondence classes. The upper school system was reviewed in 1999 with a view to further expanding the range of courses. Japan's 24,700 primary schools and 11,300 lower secondary schools are staffed by 683,000 teachers and have a combined annual enrolment in excess of twelve million students. Another 4.2 million students attend the country's 5,500 upper secondary schools, which employ a further 273,000 teachers. Technical, commercial and vocational schools are also maintained, as are schools for the physically disabled. As reported in the 1st edition of the EI Barometer, the School Education Law did not allow students attending Chinese, Korean and other non-Japanese schools to take national university examinations. The Law has now been reconsidered and as from 2001 students enrolled at non-Japanese schools will be eligible, after passing a state-run high school equivalency test. In recent years, the problem of severe bullying, or 'ijime', has received greater public attention. At primary and lower secondary schools, bullying most often involves verbal abuse, with physical abuse occurring more often at the high school level. Education experts suggest that pressures at home and school to excel academically may be contributing to the increase in student violence and long term absenteeism. The UN Committee on the Rights of the Child recommended that Japanese children be protected from corporal punishment and bullying at school and EI affiliate, the Japan Teachers' Union [JTU], advocates reform which takes into account the needs of the whole child rather than academic achievement alone. The Ministry of Education has announced measures to tackle social problems such as bullying, absenteeism and drug abuse. Japan has about 66 public and 556 national or private universities with a combined enrolment of 2.7 million students, and 147,000 full-time teachers. A further 1.3 million students are enrolled in other institutions of higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** By law, children under the age of 15 may not be employed at all and those under age 18 may not be employed in dangerous or harmful jobs. The Labour Inspection Division of the Ministry of Labour rigorously enforces child labour laws. Significant law changes were passed in 1999 regarding the sexual exploitation of children. Prior to the changes, consensual sex with a 13-year-old child was not prosecutable under the Criminal Code. The new law places an outright ban on sex with children under age 18. The law also prohibits the production, sale, or distribution of child pornography. In 1998 Interpol estimated that 80 percent of Internet sites with child pornography originated in Japan.

**TRADE UNION RIGHTS:** Almost 12.3 million workers, 22.6 percent of all employees belong to trade unions. Public employees in national and local government, including teachers, do not have the right to strike, although they do have recourse to mediation and arbitration. Public employees who instigate strikes could face dismissal and prison sentences. In this respect, several government employees, including teachers, have filed court cases alleging unfair dismissal. Laws and ordinances set wages and conditions for national and local public sector employees. Despite the fact that public servants do not have full rights to collective bargaining, the process usually involves various negotiations. Matters relating to the "administration and management" of the service are specifically excluded from any mediation. Teachers in Japan are classified usually as local government officials and their unions are officially recognised as legal entities for the purpose of negotiations with their employers, the local authorities. Many of the prefectural unions affiliated with JTU have succeeded in achieving "written agreements" with their local authority. The JTU itself has acquired the status of a "judicial person".

Population < 15:	22%	% GNP spent on education:	3.7%
Illiteracy:	1% <sup>m</sup> /4.3%	Life expectancy at birth:	72
Pre-primary gross enrolment:	40%	School life expectancy (years):	15.3m/13.9f
Net enrolment first level:	98.2%	% 1995 cohort reaching grade 5:	98%
Secondary gross enrolment:	102%	Tertiary students per 100,000:	6,106
Primary pupil teacher ratio:	31	% govt. expenditure on education:	17.5%

Child Risk Measure: 5 [reg.ov. 31]

Ratification of ILO Conventions:











**EDUCATION RIGHTS:** The government provides primary education to all children free of charge, and schooling is compulsory through to the completion of junior high school, usually age 14. Early childhood education is provided by private institutes or those affiliated to public primary schools. Parents are expected to pay the entire costs of pre-school education. "Policy Directions for the Future," in the Korean EFA Report, states that it is government policy that early childhood education will 'soon' be part of the public system. The funding for public education at the secondary school level is insufficient and its administration is structurally weak. Consequently, many students enrol at private institutions, placing a heavy financial burden on parents and families. In the primary school sector, the concentration of the school-age population in Seoul and other urban areas has brought about overcrowded classes and oversized schools. Accordingly, the government has targeted improvements in this area. The largest schools have been sub-divided and the double-shift system of classes all but eliminated. At both primary and secondary school levels, curriculum reforms have reduced compulsory subjects and increased the number of electives. Around 60 percent of secondary school graduates go on to one of Korea's 477 institutions of higher education.

**ACADEMIC FREEDOM:** In general terms academic freedom is respected. There are credible reports, however, of government informants operating on university campuses.

**CHILD LABOUR:** The Labour Standards Law prohibits the employment of persons under the age of 15 without a special employment certificate from the Labour Ministry. Few such certificates are issued for full-time employment. Some children are allowed to hold part-time jobs such as selling newspapers. To obtain employment, children under 18 must have written approval from their parents or guardians. Minors may work only a limited number of overtime hours and are prohibited from employment at night without special permission from the Labour Ministry. Child labour laws and regulations are clear and usually enforced when violations are found, but the government employs too few inspectors to carry out regular inspections. Korea is considered a



Population < 15:	41%	% GNP spent on education:	11.4%
Illiteracy:	10% (unofficial)	Life expectancy at birth:	57m/63f
Pre-primary gross enrolment:	N/A	School life expectancy (years):	N/A
Net enrolment first level:	82%	% 1995 cohort reaching grade 5:	95%
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	24	% govt. expenditure on education:	N/A

Kiribati was admitted to the United Nations in 1999. In 1995, as a non-member state, Kiribati ratified the UN Convention on the Rights of the Child. Kiribati is now also a member of the ILO. As at 1 January 2001, the country had not ratified any ILO Conventions.

**EDUCATION RIGHTS:** Education is free and compulsory from ages six until 15. Following a national examination, about 40 percent of primary school graduates qualify to attend secondary school. Girls have equal access to education. Each inhabited atoll has at least one primary school; some of them run by church organisations. There are 86 primary schools. Kiribati has 13 secondary schools, only three are run by the government. Early childhood programmes have increased dramatically during the last ten years and catered for over 4,000 children in 2000, as distinct from 100 in 1990. In the capital, Bairiki, on Tarawa, there is a teacher-training college, a technical institute and marine and fishing training centres.

**ACADEMIC FREEDOM:** Kiribati is one of 12 countries which jointly own the University of the South Pacific. The country respects the fact that the Senate is the University's authority with regard to teaching and research. SEE ALSO FIJI.

**CHILD LABOUR:** The law prohibits the employment of children under the age of 14. Children under the age of 16 are prohibited from industrial employment and employment aboard ships. Labour officers from the Ministry of Commerce, Industry and Employment normally enforce these laws effectively. Children are rarely employed outside the traditional economy of subsistence farming and fishing.

**TRADE UNION RIGHTS:** Workers are free to organise unions and the government does not control or restrict unions. The small formal sector, mostly in the public service, has a relatively strong and effective trade union movement. The government sets wages in the public sector. The law provides for strikes. The last one took place in 1980.

El member organisation / Membership:

al Union of Teachers (KNU) / 400

major transit point for foreign smugglers, including trafficking of children destined for sexual exploitation and other worst forms of child labour.

**TRADE UNION RIGHTS:** Since the publication of the 1st edition of the EI Barometer the ban on teachers' forming and joining unions has been lifted. In 1999, after a ten-year struggle, EI affiliate CHUNKYOJO became a legal entity, and another teachers' union was formed. Teachers now have the right to bargain collectively with the Ministry of Education on wages and working conditions and it is illegal for them to take industrial action. In 1999, the government also recognised the Korean Confederation of Trade Unions. It had been refused registration previously because it allowed the then outlawed CHUNKYOJO to remain affiliated. The economic crisis has had a severe impact on education sector workers as it has on other sectors of the workforce. Although teachers received a 6.7 percent increase in 2000, they had had wage cuts imposed in the two previous years. The retirement age was lowered from 65 to 62 against strong opposition and the government is proposing to introduce performance-related pay, also strongly opposed by teachers. In July 2000, CHUNKYOJO concluded its first collective bargaining agreement with the Ministry of Education. However, the government failed to make provision in its budget to finance the agreement and it was not implemented. Protests by CHUNKYOJO members in September and October led to the arrest of 300 teachers.

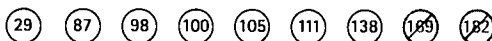
EI member organisation / Membership:

- Korean Federation of Teachers' Association (KFTA) / 262,266
- Teachers and Educational Workers' Union (KTU) [CHUNKYOJO] / 19,973

Population < 15:	36%	% GNP spent on education:	5.3%
Illiteracy:	3%	Life expectancy at birth:	68
Pre-primary gross enrolment:	7%	School life expectancy [years]:	N/A
Net enrolment first level:	96% <sub>m</sub> /93% <sub>f</sub>	% 1995 cohort reaching grade 5:	97%
Secondary gross enrolment:	75% <sub>m</sub> /83% <sub>f</sub>	Tertiary students per 100,000:	1,088
Primary pupil teacher ratio:	20	% govt. expenditure on education:	23.5%

Child Risk Measure: 13 [reg.av. - Central Asia 41]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Kyrgyzstan provides nine years of free, compulsory schooling from age six. In the period of transition to a market economy, real expenditure on education has decreased. Early childhood programmes have been most affected, but all levels of the education system have suffered material and financial hardships. Conditions continue to deteriorate due to an acute shortage of resources. There are 1,939 public schools catering for 1,078,000 students. Although the Constitution designates Kyrgyz as the state language, university education is carried out largely in Russian. In part this reflects the faculty and in part the availability of textbooks. The Kyrgyz National University in Bishkek and the State University in Osh are the main centres of higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for employment is 18 years. Students are allowed to work up to six hours per day during vacation periods from the age of 16. Street children are a growing problem, especially in Bishkek and other major urban centres. Children in rural areas are commonly called upon to pick crops on their family farms. Trafficking in girls, mostly to Turkey and the United Arab Emirates, for the purpose of forced prostitution is a problem. There are reports that officials and Russian border guards are complicit in trafficking.

**TRADE UNION RIGHTS:** The 1992 Labour Law provides for the right of all workers to form and belong to trade unions. Strikes are not prohibited. There was a brief strike by teachers in 1999. The law recognises the right of unions to bargain collectively. In practice the government sets the minimum wage, and then each employer sets its own wage level. There have been no reports of discrimination against anyone because of union activities.

El member organisation / Membership:

Union of Education and Science Workers of Kyrgyzstan (TUESWK) / 162,096

Population < 15:	35%	% GNP spent on education:	5.2%
Illiteracy:	9.7% <sup>m</sup> /18.8% <sup>f</sup>	Life expectancy at birth:	72
Pre-primary gross enrolment:	42%	School life expectancy [years]:	N/A
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	59% <sup>m</sup> /69% <sup>f</sup>	Tertiary students per 100,000:	1,048
Primary pupil teacher ratio:	19	% govt. expenditure on education:	15.4%

Child Risk Measure: 14 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (109) (182)

**EDUCATION RIGHTS:** Education is compulsory and universal between the ages of six and 15 and is free to age 18. Secondary school attendance was 82 percent in 1999. Pre-school programmes have developed in the last ten years and 87.7 percent of children entering grade 1 have some form of early childhood education. There is no apparent gender disparity at any level. The total intake of women into universities is 50 percent and more than half of all graduates in scientific and medical fields are women. Primary education is provided in Bahasa Malay, Mandarin Chinese, and Tamil, depending upon the student's own language. English is taught as a compulsory second language. The number of fully certified teachers rose steadily through the 1990s, reaching 95 percent by 1998. In 2000 there were 2.9 million children in primary school. The state constructed 6,685 new classrooms in anticipation of demand. The two million secondary students enrolled in 2000 required an extra two thousand science laboratories, and the training of additional science and mathematics teachers. The Government implements extensive preferential programmes designed to boost the economic position of the Malay majority. Such preferential programmes and policies limit opportunities for non-Malays in higher education, employment and business. The government vetoed plans for a private Chinese university. Higher education in Malaysia is provided at seven universities and 37 specialised colleges. They have a combined annual enrolment of about 245,000.

**ACADEMIC FREEDOM:** The government's record for tolerance of academic freedom was further undermined during 1999. In February, Professor Chandra Muzaffar, a prominent government critic and advocate of political reform, was dismissed by the University of Malaya, allegedly for economic and personnel reasons. A gag order, dating from 1997, prohibiting university staff from making unauthorised comments on the air pollution crisis, remains in effect. The University and University Colleges Act mandates university approval for student associations and prohibits student associations, as well as faculty members, from engaging in political activity, on campus or off. In 1998 six students were suspended for their role in the opposition victory in a by-election. There are instances of students who sign petitions, purportedly critical of

the government, being expelled or fined. Teachers who express dissenting views have been accused of "poisoning the minds" of their students. Self-censorship prevails at both public and private universities. Academics at public institutions depend on the government for promotion and funding. The faculty at private universities fear that speaking out on sensitive issues may result in the revocation of their colleges' licenses.

**CHILD LABOUR:** The Children and Young Persons (Employment) Act of 1966 prohibits the employment of children younger than the age of 14. The Act permits some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the Government in a school or training institutions, or work as an approved apprentice. In no case may children work more than six hours per day, more than six days per week, or at night. Ministry of Human Resources inspectors enforce these legal provisions. Child labour still occurs in certain sectors of the country. Most child labourers work on agricultural estates, but there are indications that some are being employed in small factories. Government officials do not deny the existence of child labour but maintain that foreign workers have largely replaced child labour and that the government vigorously enforces child labour provisions. Malaysia is a source, transit and destination for trafficking in girls for sexual exploitation. The government assists the rehabilitation of underage girls caught up in this worst form of child labour and the authorities have rescued some girls who have been kidnapped. The government prosecutes traffickers in child prostitution vigorously.

**TRADE UNION RIGHTS:** Approximately 11 percent of the workforce belong to trade unions. The Trade Union Act of 1959 and Industrial Relations Act of 1967 restrict the right to organise and allow for wide-ranging interference in trade union affairs. A union can only represent workers in a particular establishment, trade, occupation or industry. A national centre has to register under the Societies Act, rather than as a trade union. Public service workers can only form unions on the basis of ministry, department, occupation or trade. Although strikes are legal, the right to strike is severely restricted. The law contains a list of 'essential services' in which unions must give advance notice of any industrial action. The list includes sectors not normally deemed essential under ILO definitions. The scope of collective bargaining is also restricted, particularly in the public sector. Specific areas relating to hiring and firing, transfer and promotion, dismissal and reinstatement and pensions are excluded from collective bargaining and the definition of a dispute. There are two national labour organisations. The Malaysian Trade Union Congress [MTUC] is a federation of mainly private sector unions. CUEPACS is a federation of civil servant and teacher unions. Foreign workers are not allowed to join trade unions. However in 1998 the government announced plans to include foreign workers in the national workers compensation scheme. Calls by MTUC for the ratification of ILO Convention 87 have not been responded to by the government.

**El member organisation / Membership:**

- Malaysian Association of Education [MAE] / 2,340
- National Union of the Teaching Profession [NUTP] / 64,715
- Sabah Teachers' Union [STU] / 2,504
- Teachers' Union [STU] / 10,000

Population < 15:	35.8%	% GNP spent on education:	6.4%
Illiteracy:	2% <i>m</i> /2.2% <i>f</i>	Life expectancy at birth:	65 <i>m</i> /70 <i>f</i>
Pre-primary gross enrolment:	23% <i>m</i> /27% <i>f</i>	School life expectancy [years]:	6.8 <i>m</i> /8.7 <i>f</i>
Net enrolment first level:	79% <i>m</i> /83% <i>f</i>	% 1995 cohort reaching grade 5:	89% <i>m</i> /92% <i>f</i>
Secondary gross enrolment:	48% <i>m</i> /65% <i>f</i>	Tertiary students per 100,000:	1,767
Primary pupil teacher ratio:	33	% govt. expenditure on education [2000]:	18.4%

Child Risk Measure: 25 [reg.av. 31]

Ratification of ILO Conventions:

29 87 98 100 105 111 128 169 182

**EDUCATION RIGHTS:** The Government provides children of both sexes with free compulsory public education from age eight to 16. Mongolia's transition to a market economy has been accompanied by unemployment and increasing poverty. As a result, some children are unable to attend school. One-third of male children in the countryside works their family's land or tends their livestock and receives no schooling. There continues to be a severe shortage of teachers and teaching materials at all levels. The Mongolian State University is in the capital, Ulaanbaatar. Other institutions of higher learning include schools of medicine, arts and culture, finance and economics, teacher-training, and technical and agricultural colleges. In 1999, institutions of higher education had a combined enrolment of 45,000.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The law prohibits children under the age of 16 from working, although those aged 14 and 15 years of age may do so with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or work in dangerous occupations such as mining and construction. Enforcement is limited. In Ulaanbaatar and major urban centres there are growing populations of street children, estimated to number between 3,000 and 4,000. Some 20 shelters are provided by NGOs. There is anecdotal evidence that girls are being trafficked for the purposes of sexual exploitation in Asia and Eastern Europe. The problem is acknowledged and ways to combat it are being debated. Privatisation has meant that the rural population now own their animals. This has led to male children dropping out of school. The Mongolian Enlightenment Federation Trade Unions has been assisted by the Japan Teachers Union in the development of a programme to combat child labour and ensure every child attends school.

**TRADE UNION RIGHTS:** Union membership is decreasing as the economy shifts from large state enterprises and increasing numbers of workers become self-employed or work for

small, non-unionised firms. Except for those employed in essential services, union members have the right to strike. Most union members are affiliated with the Mongolian Trade Unions Confederation, but some are affiliated with the newer Association of Free Trade Unions. In practice, wages and other conditions of employment are set mainly by the employer, whether that employer is a private firm or the government. A new labour law had been enacted with the intention of streamlining the process of dealing with labour conflicts.

Population < 15:	41%	% GNP spent on education:	3.1%
Illiteracy:	44.2% <del>m</del> /79.4% <del>f</del>	Life expectancy at birth:	58m/57f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level [2000]:	79.4% <del>m</del> /61.5% <del>f</del>	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	51% <del>m</del> /33% <del>f</del>	Tertiary students per 100,000:	485
Primary pupil teacher ratio:	39	% govt. expenditure on education:	13.5%

Child Risk Measure: 44 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Although education is not compulsory the Government provides free primary education for all children between the ages of six and 12, but many families cannot afford school supplies or uniforms. Nepal is among the poorest and least developed countries in the world with nearly half of its population living below the poverty line. Over 80 percent of its people support themselves through subsistence agriculture. Despite very limited resources significant strides have been made to provide some basic education for the country's children. In 1976 there were only 11,577 schools. By 2000, there were 781 pre-primary, 18,396 primary, 2,624 lower secondary, 1,284 secondary, eight vocational and technical and 71 tertiary public schools and over 7,000 private educational institutions. More than fifty percent of the country's 150,000 teachers at primary and secondary levels are untrained. And 30 percent of primary school age children are not enrolled and a significant number repeat grade 1 or drop out of school. The government has introduced school-meals in selected districts, not only to motivate and attract increased attendance but also to improve nutrition and health. Girls attend school at a rate half that of boys but according to Nepal's Education for All (EFA) Report the government envisages compulsory primary education for all Nepali children by 2002. Tribhuvan University in Kathmandu is the country's principal institution of higher education. There are nearly 100,000 tertiary students.

**ACADEMIC FREEDOM:** In general terms the government tolerates academic freedom although on certain sensitive political and social issues self-censorship may apply.

**CHILD LABOUR:** Up to half of all children work, mostly in agriculture. The Labour Act of 1992 prohibits employment of minors under 14 years of age, but employers, particularly in the informal sector and agriculture, widely ignore the law. The Nepali Labour Act specifically prohibits forced or bonded child labour, but enforcement of this law is also inadequate. Forced child labour exists in many sectors of the economy. An estimated 40,000 children work as bonded labourers. Trafficking in women and girls remains a serious social problem. Best available data suggests that approximately 7,000 girls between 10 -17 years-of-age are lured or abducted into prostitution



each year. In many cases, parents or relatives sell young girls into sexual slavery. In 1996 a certification system for carpets made without child labour was established. Partially as a result of this initiative, and consumer pressure, the exploitation of children in the carpet industry has declined from 23,000 in 1994 to less than 2000 in 1999. The government has introduced a number of other measures designed to reduce child labour but resources are limited. The government also promised to ratify ILO Convention 29 during 2000 and introduce legislation to define and prohibit bonded labour but failed to achieve either promise. However, the abolition of bonded labour in practice began in May 2000, and a project to repatriate bonded labourers was initiated with the ILO. EI's affiliates have developed a major project supported by IPEC to combat child labour through education and training.

**TRADE UNION RIGHTS:** The Constitution provides for freedom of association and the Labour Act provides for collective bargaining. There are restrictions on the right to strike; though only essential services are completely prohibited from striking. A 1992 law bans teachers from engaging in political activity, joining political parties or holding political office. Between July-September 1999, at least 30 members of EI affiliates, the Nepal Teachers' Association [NTA] and the Nepal National Teachers' Association [NNTA] were murdered. In some districts, teachers were attacked and injured by unknown assailants, or by the police. Others were imprisoned. Some forty teachers were falsely accused of being members of the Maoist Insurgency. On 2 September, a former adviser and ex-general secretary of the NNTA, Bishnu Pukar Shrestha, was arrested and held *incommunicado*. EI launched an urgent action appeal in October 1999. After 11 months of solitary confinement, Mr. Shrestha was released in July 2000. Amnesty International has also launched appeals on behalf of other teachers who have been arrested and then disappeared.

EI member organisation / Membership:

- Nepal National Teachers' Association [NNTA] / 70,000
- Teachers' Association [NTA] / 90,000

Population < 15:	29%	% GNP spent on education:	N/A
Illiteracy:	5%	Life expectancy at birth:	72m/78f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

New Caledonia is not eligible for membership of the UN or the ILO. SEE ALSO FRANCE

**EDUCATION RIGHTS:** The Department of Education supervises both church and public primary, secondary and vocational schools. Education at public schools is free. While formal education is now compulsory for all New Caledonians between the ages of six and 16, it was not until 1956 that secondary schools were opened for the Melanesian population, the Kanaks. Where there is a significant Kanak population a number of schools known as Maisons Familial et Rural have been established. The focus of these schools is to produce teachers and specialists in agriculture. The Kanaks' linguistic diversity (there are 27 language groups and many dialects) has long been used by the French authorities as a reason not to teach local languages at school. However, recent initiatives on the Loyalty Islands and around Houailou (on the principal island, Grande Terre) have started teaching the local language. A private lycee in Noumea, provides education in two relatively common Kanak languages, Drehu and Ajie. At higher levels, both the government-run and private teachers' training colleges in Noumea offer students the option of studying Melanesian languages and literature. The University of New Caledonia was established in 1999. Previously, it was a branch of the French University of the Pacific. The University has approximately 1500 students and is located on three campuses in Noumea. There are faculties of law, sciences and arts.

**ACADEMIC FREEDOM:** N/A

**CHILD LABOUR:** N/A

**TRADE UNION RIGHTS:** Trade union laws are based on those of mainland France. ILO conventions ratified by France apply to New Caledonia. Workers in New Caledonia enjoy union rights including freedom of association, the right to organise, the right to strike, and the right to bargain collectively.

**FOOTNOTE: OVERSEAS TERRITORY OF FRANCE:** New Caledonia, known as Kanaky by its Indigenous Melanesian population, has some laws that differ from metropolitan France, however, its inhabitants are French citizens. They vote in national elections and elect two deputies and one senator to the French National Assembly and Senate. The territory has substantial autonomy except in matters reserved for metropolitan France, such as diplomacy and defence.

El member organisation / Membership:

- Fédération de l'Enseignement/Union Syndicale des  
Enseignants et des Exploités (FE/USTKE) / 1,000

Population: 3,662,265.

SEE FOOTNOTE 1:

Population < 15:	23%	% GNP spent on education:	7.3%
Illiteracy:	Negligible	Life expectancy at birth:	75m/81f
Pre-primary gross enrolment:	77%	School life expectancy [years]:	15.6m/16.7f
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	97%
Secondary gross enrolment:	111m/117% <sup>f</sup>	Tertiary students per 100,000:	4,511
Primary pupil teacher ratio:	18	% govt. expenditure on education:	15.6%

Child Risk Measure: less than 5 [reg.av.31]

Ratification of ILO Conventions:

(29) (97) (98) (100) (105) (111) (128) (189) (192)

SEE FOOTNOTE 2:

**EDUCATION RIGHTS:** The Education Act 1989 provides for free education in state schools between the ages of five and 19. Attendance is compulsory between age six and 16 years, although in practice almost all children begin primary schooling at age five. Subsidised early childhood services are provided for children under five years of age. In 1998, 160,000 children were enrolled in some form of pre-school programme. Primary education consists of infant classes during the first two years and six annual grades. Secondary education is available to all children who have completed eight years primary or who have attained the age of 14. On completion of the third year of secondary schooling, students take a national examination for a school certificate, which attests to completion of basic secondary education. The standard prerequisite for admission to university study is either attaining a sixth form certificate or passing the university entrance examination. These relatively modest requirements are often waived for persons 21 years of age and older. In 1998, 729,853 students enrolled in primary and secondary schools. Most students attend state-funded schools. These include a large number of schools that were previously private and have been integrated into the state system while retaining their own special character, such as religious belief. There are a number of independent schools that are private and charge fees although they receive some government funding and are required to meet certain criteria in order to be registered. Special education services have been developed for children with disabilities, learning difficulties or behaviour problems. A correspondence school provides off-campus learning for some 20,000 students. The service caters to children living in remote areas or with a wide range of special needs, medical or psychological problems, itinerancy or suspension from other schools. Teacher registration is compulsory for all teachers and they are issued with practising certificates valid for three years. New Zealanders who identify themselves as Indigenous Maori make up 15 percent of the population. Maori is relatively youthful, with 37 percent in the under fifteen age group, compared with 22.8 percent of the population as a whole. There is now a strong demand for the language of the Indigenous Maori people to be available throughout the New Zealand education system. The language revival began with the establishment of Maori language early childhood centres and has now progressed to primary, secondary and tertiary sectors. In general terms Maori education achievement continues to

improve with a steady increase in senior secondary enrolments during the last ten years. Maori now make up 12 percent of all tertiary student enrolments. The New Zealand education system also makes some provision for its youthful Polynesian communities. There are, for example, 30,000 Samoan and 10,000 Tongan children under the age of 10 years. In 1998 the country's eight separate government-funded universities, and 25 polytechnics and institutes of technology had a combined enrolment of 248,123 students. Teacher training is available at four Colleges of Education, at four specialist schools situated within universities and at nine of the polytechnic institutions. The adoption of experimental privatisation policies by successive governments between 1984 and 1999 led to a proliferation of private institutions purporting to deliver post-secondary education. In a country with a population of only 3.6 million over five hundred tertiary organisations were founded during the period. Some offered dubious education services. From the perspective of the education unions, the diversion of public funds to these institutions endangered the ability of the public universities and polytechnics to continue to provide a high standard of tertiary education to New Zealand students.

**ACADEMIC FREEDOM:** Many university faculty members express concern that numerous structural changes, funding reviews and volatile policies by successive governments in the last ten years have challenged university autonomy and academic freedom. However, the importance of an academically independent environment is supported by legislation and the present government respects academic freedom.

**CHILD LABOUR:** Children may not be employed under the age of 15 years in manufacturing, mining and forestry. Children under the age of 16 may not work between the hours of 10pm and 6am. In addition to explicit restrictions on the employment of children, compulsory education ensures that children under the minimum age for leaving school are not employed during school hours. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education. Traditionally children under 12 years of age have been employed delivering newspapers before and after school, in family shops, on family farms, and in horticulture harvesting. Laws against the sexual exploitation and enslaving of children carry penalties of up to 14 years in prison and recently have been used to prosecute citizens using children for the purposes of prostitution while abroad.

**TRADE UNION RIGHTS:** Between 1991 and 1999 the New Zealand workforce endured aggressive anti-union legislation, known as the Employment Contracts Act. The ILO ruled in 1994 that the Act was incompatible with freedom of association and that it limited the right to bargain collectively. The ILO recommended that the Act be rewritten to ensure its consistency with ILO principles. The ILO repeated its ruling and its recommendations to the New Zealand government in 1996. The recommendations were completely ignored. At a General Election in November 1999 the country elected a new government which pledged itself to repeal the Act as a matter of priority and to replace it with legislation that would comply with ILO Conventions on freedom of

association and the right to organise and bargain collectively. This was achieved in August 2000 with the passing of the Employment Relations Bill. The new Labour-Alliance government also moved quickly to encourage collective bargaining in the education sector and specifically for school principals by removing all incentives and discriminatory measures in favour of individual contracts. The present government has taken significant steps towards treating all teachers in New Zealand equally by introducing pay parity between primary and secondary teachers and is now moving towards including early childhood teachers within such pay parity.

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FOOTNOTE 1: RESPONSIBILITIES: Tokelau, territory of New Zealand [population: 1,458]. Niue, a self-governing state in free association with New Zealand [population: 2,111]. Cook Islands, a self-governing state in free association with New Zealand [population 19,989]. Each of these Polynesian peoples are also New Zealand citizens and during the last thirty years the majority have migrated to New Zealand - some 50,000 from the Cooks, 20,000 from Niue, and 5,000 from Tokelau. SEE ALSO COOK ISLANDS.

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FOOTNOTE 2: Both Niue and Cook Islands elected to sign the UN Convention on the Rights of the Child, as non-member states. Neither state is obliged to accede to ILO Conventions ratified by New Zealand.

#### El member organisation / Membership:

- Association of University Staff of New Zealand [AUS] / 5,600
- Independent School Teachers' Association of New Zealand [ITANZ] / 330
- New Zealand Educational Institute/Te Riu Roa [NZEI] / 25,760
- New Zealand Post Primary Teachers' Association [NZPPTA] / 11,474

Population < 15:	41%	% GNP spent on education:	3%
Illiteracy:	43% <sup>m</sup> /72.2% <sup>f</sup>	Life expectancy at birth:	64
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	8.1%

Child Risk Measure: 49 [reg.av.31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (126) (169) (182)

**EDUCATION RIGHTS:** There is no federal law in support of compulsory education although, according to Pakistan's Education for All (EFA) Report, it is on the government's agenda. But currently neither the federal or provincial governments provide sufficient resources to assure universal education and Pakistan's education system is in disarray. Some eight million children in the five to nine age group are not in school. Of the 12 million who are enrolled in primary education, 50 percent drop out before reaching grade 5. Even in Karachi, the wealthiest, most developed city in the country, no more than 27.5 percent of primary school age children attend school. However, reaching grade 5 does not assure that Pakistan's children are able to read and write. UNICEF reports that a nation-wide sample of children in grade 5 revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. The education sector is not helped by inefficiency and corruption at the federal and provincial level. One member of a government task force estimated that up to 50 percent of the education budget simply disappears. Girls have worse access to education than boys do. In rural areas this is partly attributable to traditional attitudes. A survey found that some 42 percent of rural parents cited 'no financial benefit' as the reason they kept their daughters from attending school, and sent their sons instead. Academically qualified girls are also disadvantaged. In Karachi only 45 percent of girls completing 10th grade examinations in science in 1999 found places in government-run colleges, as opposed to 95 percent of boys passing the same tests. The literacy rate in Pakistan was officially 42.5 percent in 1996. The government, according to the EFA Report, aims for a 70 percent rate by 2002-03, with the education of girls being assigned the top priority. The Report further states that there is no shortage of trained and qualified teachers at primary level. The pupil-teacher ratio in primary schools is 1:48. There are approximately 1.2 million Afghan refugees in Pakistan and some schooling is provided. In the better established camps NGOs are able to offer girls education and health care that is currently unobtainable in Afghanistan. There are 23 universities, 99 professional colleges and 675 arts and sciences colleges. They have a combined enrolment of over 950,000.

**ACADEMIC FREEDOM:** The government and universities generally respect academic freedom. There is a long-standing Supreme Court ruling that prohibits all student political activity on campus-

es due to the tendency for such activities to be violent, intolerant and disruptive. However, in 1999, as in previous years, on some campuses well-armed students, primarily from radical religious organisations, clashed with and intimidated other students, instructors, and administrators on matters of language, syllabus, examination policies, grades, doctrine, and dress. These student groups facilitate cheating on examinations, interfere in the hiring of staff, control new admissions, and sometimes control the funds of institutions.

**CHILD LABOUR:** It is estimated that there are about 10 million working children in Pakistan but precise figures are not available. In rural areas, it is traditional practice for poor parents to give their children to rich landlords in exchange for money or land. Their "owners" frequently abuse these children, according to human rights advocates. Incidents of rape and murder of teenage children are not uncommon. A recent survey suggests that over 200,000 families work in debt slavery in the brick kiln industry. In remote areas of rural Sindh, bonded agricultural labour and debt slavery has a long history. Landlords keep entire families in private prisons and families have been sold by one landlord to another. Children work in agriculture, forestry, hunting and fishing industries; nine percent in wholesale/retail; eight percent in social and personal services; and 11 percent work in the craft and manufacturing sector. An UNICEF report estimated that there are 1.2 million children engaged in the Pakistan carpet industry. Conditions of work for children weaving at home, in cottage industry situations, were found to be often worse than those found in private workshops. The work is painful and unhealthy and many of the children are severely ill by the time they become adults. As reported in the 1st edition of the EI Barometer, soccer ball manufacturers, importers, the ILO, and UNICEF agreed upon an action plan to eliminate child labour from the soccer ball industry within 18 months. By May 1998, 83 percent of soccer ball production was verified as having moved to monitored stitching centres. The government participates in other schemes to reduce child labour, including the ILO's IPEC programmes. By the end of 1999, 30 of an anticipated 50 rehabilitation centres for former child labourers had been established. In some cases, the parents of former child labourers are offered a monetary compensation in exchange for sending their children to school. Child prostitution involving boys and girls is widely known to exist but rarely reported or discussed.

**TRADE UNION RIGHTS:** Union members make up only about 10 percent of the industrial labour force and three percent of the total estimated workforce. Contract labour continues to flourish, undercutting the power of the unions and exploiting workers willing to work on temporary contracts. These workers receive fewer benefits and have no job security. The law only allows a minority of workers to organise, bargain collectively and strike. The right of teachers to unionise is not provided for, as they are not defined as an 'industry'. The ILO has repeatedly stated that current law and practice violate the government's commitments under ILO Convention 87. The ILO has urged the government to lift prohibitions against union activity in respect to teachers and other government employees, as well as to rescind the existing ban on strikes.

EI member organisation / Membership:

- All Pakistan Government School Teachers' Association (APGSTA) / 17,000
- Pakistan Lady Teachers' Association (PLTA) / 400
- Pakistan Teachers' Organisation Council (PTOC) / 5,000
- Polytechnic Teachers' Association (SPTA) / 1,000



Population < 15:	39%	% GNP spent on education:	N/A
Illiteracy:	18% <sup>m</sup> /35.3% <sup>f</sup>	Life expectancy at birth:	58
Pre-primary gross enrolment:	1%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	17% <sup>m</sup> /11% <sup>f</sup>	Tertiary students per 100,000:	318
Primary pupil teacher ratio:	37	% govt. expenditure on education:	N/A

Child Risk Measure: 55 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** In 2000 there were 687,763 students enrolled in 2,700 primary and junior secondary schools. According to the UN Development Programme, boys exceeded the number of girls at school by 15 percent. Only 22,232 qualified teachers served the entire needs of the country. Papua New Guinea's Education for All (EFA) Report indicated that in 1997 and 1998, on best available information, the country spent, respectively, 2.9 and 3.1 percent of GNP on education. There are only four upper high schools. They have a total enrolment of 4,535. It is planned that by 2004 all children will have the opportunity to complete nine years of basic education and that each of the 20 Provinces will have established one upper secondary school. A further 14,000 teachers will be required if the state is to meet this projected expansion. Secondary education in Papua New Guinea is characterised by very high unit costs because the majority of junior and upper secondary institutions are boarding schools, reflecting the fact that 85 percent of the population live in small, scattered villages over a relatively vast area. Papua New Guinea comprises some 1000 tribes and over 800 distinct languages. Pidgin is the national lingua franca but all teaching and learning activities are conducted in English. The country has two universities and teacher-training colleges, and eleven community teacher training institutes, as well as vocational and technical schools and secretarial colleges.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum working age, according to the Employment Act, is 18. However, children between the ages of 11 and 17 may be employed in a family-related business or enterprise provided they have parental permission, a medical clearance and a work permit from a labour office. This type of employment is rare, except in subsistence agriculture.

**TRADE UNION RIGHTS:** About half of the 250,000 wage earners in the formal economy are organised and are members of one of approximately 50 trade unions. The Public Service Employees Association represents an estimated 23,000 persons employed by national, provincial



and municipal governments, or one-third of the public sector work force. Both private and public sector workers have the right to strike. The constitution provides for the right to engage in collective bargaining. These rights are exercised freely. Under the law, the government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. The government has told the ILO that it is carrying out industrial relations reform and a new Industrial Relations Bill would repeal these provisions. During 2000 the government ratified ILO fundamental Conventions 87, 100, 111, and 182.



Population < 15:	37%	% GNP spent on education:	3.2%
Illiteracy:	5.2% <sup>m</sup> /5.7% <sup>f</sup>	Life expectancy at birth:	68
Pre-primary gross enrolment:	11%	School life expectancy [years]:	11.2
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	77%	Tertiary students per 100,000:	2,958
Primary pupil teacher ratio:	35	% govt. expenditure on education:	17.6%

Child Risk Measure: 24 [reg.av. 31]

Ratification of ILO Conventions:

28 87 98 100 105 111 138 169 182

## EDUCATION RIGHTS: Education is free and compulsory for children from ages seven to 12.

Fifteen million children are enrolled in primary schools and over four million students attend secondary school. About 67 percent of children complete grade 6. Although Filipino is taught, and in the lower grades, local dialects are also used, English is the main language of instruction. Public spending on primary education declined appreciably after the mid-1980s. Public primary and secondary schools are free of tuition charges, but poor families are unable to meet the numerous peripheral costs for uniforms, school supplies, shoes and transportation. Indigenous people account for about 18 percent of the population. They have not been fully integrated into society and Indigenous children suffer from a lack of basic services, health and education. There are 1,675 institutions of higher education, including 50 state run universities. Approximately two million students were enrolled in tertiary education courses in 1999.

## ACADEMIC FREEDOM: The government respects academic freedom.

**CHILD LABOUR:** Child labour is a serious problem. It is estimated that around six million children are working and do not attend school. Children are employed in the garment industry, furniture making and in gold mining, food processing, footwear, plastics, and domestic service. According to UNICEF and the ILO more than 2 million children are exposed to hazardous working environments, including in quarries, mines and on docksides. In the agricultural sector child workers typically work long hours and are exposed to toxic pesticides and other harmful chemicals. Children also are employed in a dangerous form of coral reef fishing, which exposes them to shark and needlefish attacks and increases their vulnerability to disease. Domestic NGOs put the number of street children at over one million. Many street children were abandoned with no family support and engage in scavenging or begging. Officially, the law prohibits the employment of children below the age of 15, except under the direct and sole responsibility of parents or guardians. The Labour Code allows employment for those between the ages of 15 and 18 for such hours and conditions of the day as are determined by the Secretary of Labour but forbids employment of per-

sons under 18 years of age in hazardous or dangerous work. Various state agencies work closely with UNICEF and the ILO's IPEC programmes to reduce violations of child labour laws. There has been an increase in prosecutions for flagrant breaches of the laws and the Department of Education, Culture and Sport participates in an interagency effort to educate the public and to put children into school. According to UNICEF more than 60,000 children are involved in the commercial sex industry. Trafficking in children for the purpose of forced prostitution also occurs. The government prosecutes accused paedophiles and the media publicises the problem of foreign paedophile tourists. The insurgent communist NPA movement use children in both combat and non-combat roles. The government provides rehabilitation for children rescued from the NPA. All three EI affiliates have adopted policies and developed programmes to combat child labour through improved education and training.

**TRADE UNION RIGHTS:** Some 12 percent of the total workforce is organised. Labour legislation restricts the right to strike by giving the Secretary of Labour the prerogative to decide whether planned or current strikes are threats to the national interest, and if so, to assume jurisdiction over disputes; to impose compulsory arbitration; and to order strikers back to work. Civil servants and teachers have restricted collective bargaining rights and cannot strike. The ILO Committee of Experts is critical of these restrictions and considers that they contravene Convention 87. In 1999 a task force was set up by the government to review the Labour Code. Only employers and representatives of the business committee have been included in subsequent discussions.

**EI member organisation / Membership:**

- Alliance of Concerned Teachers (ACT) / 100,000
- National Alliance of Teachers and Office Workers (SAMPATOW) / 10,000
- Philippine Public School Teachers Association (PPSTA) / 260,000

Population < 15:	33%	% GNP spent on education:	N/A
Illiteracy:	2%	Life expectancy at birth:	71
Pre-primary gross enrolment:	33%	School life expectancy [years]:	N/A
Net enrolment first level:	96%	% 1995 cohort reaching grade 5:	86%
Secondary gross enrolment:	59%/66%	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	24	% govt. expenditure on education:	N/A

Samoa is not a member of the ILO

**EDUCATION RIGHTS:** Education is provided by the government and church-sponsored schools. It is not free but it is compulsory between the ages of six and 18. Although instruction in all schools is bilingual, in Samoan and English, achieving basic literacy in Samoan takes precedence in the early primary grades. Samoan education policy and strategy documents for the period 1995–2005 place particular emphasis on radio broadcasts and the expanded use of educational video and television as a valuable supplementary and cost effective means of improving primary school learning. Although by 1999, 94 percent of primary teachers were certified, there is a severe shortage of teachers. The pupil teacher ratio of 1:24 reflects the relatively small size of rural and private schools and disguises the fact that some schools in the capital, Apia, are overcrowded with poor ratios. The National University of Samoa has been upgraded and its faculty of education replaced the Samoa Teachers' College. Other higher education mergers and amalgamations have taken place. The Nurses Training School is now attached to the University. The Samoa Polytechnic has also been upgraded. It now includes the Marine Training Centre. Samoa is a member of the University of the South Pacific, and the University's School of Agriculture is situated in Apia.

**ACADEMIC FREEDOM:** The Constitution provides for freedom of speech and academic freedom is generally respected. Samoa is one of 12 countries that own the University of the South Pacific and the state recognises the independence of that institution. SEE ALSO FIJI.

**CHILD LABOUR:** It is illegal to employ children under 15 years of age except in "safe and light work". The Commissioner of Labour refers complaints about illegal child labour to the Attorney General for enforcement. Children are frequently seen hawking goods and foodstuffs on Apia street corners. Although a violation of the Labour and Employment Act (LEA), local officials mostly tolerate and overlook the child vendors. The LEA does not apply to service rendered to the matai [family heads], some of whom require children to work for the village, primarily on village

**TRADE UNION RIGHTS:** The Public Service Association [PSA], representing government workers, an increasingly important sector of the workforce, functions as a union. All workers have the legal right to engage in collective bargaining but it is seldom practiced. However, the PSA engages in collective bargaining on behalf of government workers, including bargaining on wages. Increases in the government's budget allocation to education allowed for a salary increase for government teachers in 1998.

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FOOTNOTE: Formerly Western Samoa. Samoa dropped the "Western" from its name in 1997. More than 100,000 Samoan nationals live abroad, mostly in New Zealand, with smaller numbers in Australia and the United States.

Population < 15:	18%	% GNP spent on education:	3%
Illiteracy:	4.1% <sup>m</sup> /12.9% <sup>f</sup>	Life expectancy at birth:	77
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	92%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	74%	Tertiary students per 100,000:	2,730
Primary pupil teacher ratio:	25	% govt. expenditure on education:	23.4%

Child Risk Measure: Less than 5 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (109) (182)

**EDUCATION RIGHTS:** Although Singapore has almost 100 percent of its children enrolled to the sixth grade, schooling is not compulsory. Primary education is free and the dropout rate is low. Children in care and children with special needs are relatively well catered for by the government through the National Council of Social Services and the Ministry of Community Development. Ethnic Malays are constitutionally acknowledged as an Indigenous people. The government has taken steps to encourage greater educational achievement among Malay students as a key to economic advancement. The National University of Singapore was founded in 1980 with the merger of the University of Singapore and Nanyang University. There are numerous other institutions of higher learning. Their combined student enrolment exceeds 92,000.

**ACADEMIC FREEDOM:** All public institutions of higher learning are linked to the government and university faculty members exercise discretion in classrooms and academic publications with regard to sensitive political and social issues. The threat of defamation suits, which government leaders have used consistently against opponents and critics, stimulates a culture of self-censorship in Singaporean society, including in the universities.

**CHILD LABOUR:** Restrictions on the employment of children between the ages of 12 and 16 are rigorous and enforced fully. Children under the age of 14 are prohibited from employment in any industrial undertakings. A child of 12 years or older may be engaged in light work. Employers must notify the Ministry of Labour within 30 days of hiring a child between the ages of 14 and 16 and must forward medical certification. The incidence of children taking up permanent employment is low, and abuses almost non-existent. Ministry of Labour regulations prohibit night employment of children and restrict industrial work for children between the ages of 14 and 16 to no more than seven hours a day. Children may not work on commercial vessels, with any machinery in motion, on live electrical apparatus lacking effective insulation, or in any underground job. The Ministry of Labour effectively enforces these laws and regulations. The Children and Young Person's Act is one of our laws designed to curtail trafficking in persons. The penalties, on conviction, are severe.

**TRADE UNION RIGHTS:** The national labour force comprises 1.9 million employees, more than 260,000 of whom are organised into 82 employee unions. Seventy-three of these unions, representing 98.5 percent of all unionised workers, are affiliated with the National Trades Union Congress [NTUC], which has a close relationship with the government. No strikes have occurred in Singapore since 1986. If conciliation fails, the disputing parties usually submit their case to a tripartite body, the Industrial Arbitration Court [IAC]. The IAC can refuse to register a collective agreement that is not considered to be in the public interest. Yearly guidelines on raises and bonus pay issued by the tripartite National Wages Council [NWC] serve as a starting point for collective bargaining agreements. In 1999, in response to the economic downturn, the NWC announced a proposal in which a portion of future wages increases would be considered "variable," allowing companies to eliminate that portion of pay on 30 days notice if financial problems necessitated it.

**ET member organisation / Membership:**

- Singapore Chinese Teachers' Union [SCTU] / 1,000
- Singapore Malay Teachers' Union [SMTU] / 1,300
- Singapore Tamil Teachers' Union [STTU] / 396
- Singapore Teachers' Union [STU] / 7,000

\*\* Union of Institute of Technical Education Training Staff [UITETS] / 1,300

Population < 15:	44%	% GNP spent on education:	N/A
Illiteracy:	N/A	Life expectancy at birth:	69m/74f
Pre-primary gross enrolment:	36%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	21% <sup>m</sup> /14% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	24	% govt. expenditure on education:	16%

Ratification of ILO Conventions:

(29) (97) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** Education is not compulsory. According to some estimates only 60 per cent of school age children have access to primary education. The percentages of those attending secondary and tertiary institutions are much smaller. The Solomon Islands government has allocated a substantial proportion of its national budget to education since 1990. With UNICEF funding, Solomon Islands began a programme of early childhood education and New Zealand funds adult literacy programmes. Solomon Islands has a College of Higher Education. Other tertiary students go to the University of the South Pacific in Fiji. During 2000, inter-cultural disputes led to armed violence and disrupted several weeks of schooling especially in and around the capital, Honiara.

**ACADEMIC FREEDOM:** Solomon Islands is one of 12 countries which jointly owns the University of the South Pacific. The University's Senate is the authority responsible for such matters as teaching and research and the Solomons respects the University's academic independence. SEE ALSO FIJI.

**CHILD LABOUR:** The law forbids labour by children under the age of 12, except in light agriculture or domestic work performed in the company of parents. Children under the age of 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines. Given low wages and high unemployment, there is little incentive to employ child labour.

**TRADE UNION RIGHTS:** Only about 10 to 15 percent of the population participate in the formal sector of the economy. Approximately 60 to 70 percent of wage earners are unionised (90 percent of employees in the public sector and about 50 percent of those in the private sector). The law permits strikes. Disputes are usually referred quickly to the Trade Disputes Panel for arbitration, either before or during a strike. Wages and conditions of employment are determined by collective bargaining.

El member organisation / Membership:

National Teachers' Association (SINTA) / 2,000



Population < 15:	26%	% GNP spent on education:	3.4%
Illiteracy:	6% <sup>m</sup> /12.2% <sup>f</sup>	Life expectancy at birth:	69m/74f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	83%
Secondary gross enrolment:	72% <sup>m</sup> /78% <sup>f</sup>	Tertiary students per 100,000:	474
Primary pupil teacher ratio:	28	% govt. expenditure on education:	8.9%

Child Risk Measure: 39 [reg.av. 31]

Ratification of ILO Conventions:

(29) (87) (98) (100) (185) (111) (138) (189) (182)

**EDUCATION RIGHTS:** The Compulsory Attendance at Schools Act, which was implemented in 1998, requires that children between the ages of five and 14 attend school. Education is free at all levels, including university. Primary and secondary schools provide free textbooks and free school uniforms. There are 10,643 government schools and 629 non-government schools. The total enrolment in 1997 was 4,260,989. Girls and boys were almost equal in numbers attending school. Two thirds of Sri Lanka's 180,000 teachers are women. Around 27 percent of teachers are university graduates, 52 percent are trained or certified, and the remainder untrained. There are 79 private schools and a smaller number of 'international schools'. The government takes no responsibility for early childhood education but it is estimated that nearly 90 percent of children receive some pre-primary school programme and the government participates with UNICEF and WHO in pre-school-age mother-child health and nutrition awareness programmes. Instability in the north has adversely affected education development in that part of the country. Children and their families face the threat of displacement and the region lacks sufficient teachers. Efforts are made to bring schooling to children in refugee camps. Sri Lanka has ten universities with an approximate annual enrolment of 64,000.

**ACADEMIC FREEDOM:** In general terms the government of Sri Lanka respects academic freedom. The Liberation Tigers of Tamil Eelam [LTTE] has killed intellectuals who criticise it, most notably the Tamil politician and academic, Dr Neelan Tiruchelvam, who was murdered on 29 July 1999. The LTTE severely repressed members of a human rights organisation, the University Teachers for Human Rights, which formerly was based on the Jaffna peninsula. Most members of the organisation have been murdered.

**CHILD LABOUR:** The minimum age for employment is 15. The law also permits the employment of younger children by their parents or guardians in limited agricultural work. In addition, the law permits employment in any school or institution for training purposes. The law does not specifically prohibit forced or bonded labour by children and a few rural children reportedly serve

in debt bondage, often given into service as domestic servants in urban households by poverty stricken parents. Estimates of the total number of children employed in domestic service range from 50,000 to 100,000. There is a significant problem of child prostitution in certain coastal resort areas. The ILO estimated the number of child prostitutes in 1998 as 30,000. A domestic NGO estimates that some 12,000 boys aged between eight and 17 engage in sex for money with foreign tourists. The government established the National Protection of Children Authority [NCPA] in 1998. The consolidated law that the NCPA works under, has a definition of child abuse that includes all acts of sexual violence against, trafficking in, and cruelty to children, that is anyone under age 18. Legislation prohibits the use of children in exploitative labour, illegal activities, or the recruitment of children as soldiers. According to some NGOs, enforcement of these laws is hampered by resources being diverted to the conflict with the LTTE. The LTTE recruits children for use in combat and in support functions. Children as young as 13 are recruited, some forcibly.

**TRADE UNION RIGHTS:** Civil servants may collectively submit labour grievances to the Public Service Commission but have no legal grounds to strike. Nonetheless, government workers, including those in education, have staged brief strikes in recent years.

**ET member organisation / Membership:**

- All Ceylon Union of Government English Teachers (ACUGET) / 3,000
- All Ceylon Union of Teachers (ACUT) / 2,640
- All Ceylon Union of Teachers (Government) (ACUT (G)) / 2,865
- Ceylon Tamil Teachers' Union (CTTU) / 15,000
- Ceylon Independent Teachers' Union (SUTU) / 13,250



Population: 22,113,250

Population < 15:	22%	% GNP spent on education:	N/A
Illiteracy:	5.3%	Life expectancy at birth:	73.62m/79.32f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Taiwan is not eligible for membership of the ILO or the United Nations, and has not been invited to ratify the Convention on the Rights of the Child as a non-member territory.

**EDUCATION RIGHTS:** Education is free and compulsory for all children between the ages of six and 15. Taiwan's Indigenous Malayo-Polynesian population numbers about 360,000. Only about 50 percent of Aboriginal children complete primary school. There have been recent initiatives to upgrade their status. Under 1998 legislation, the Ministry of Education subsidises university education for Aborigines and works to preserve Aboriginal culture, history and language through the establishment of Aboriginal studies centres. There are 100 institutions of higher education, including the National Taiwan University at Taipei. More than two-thirds of the institutions are private.

**ACADEMIC FREEDOM:** Generally the government respects academic freedom.

**CHILD LABOUR:** The Labour Standards Law stipulates age 15 as the minimum age for any kind of employment. The authorities have made a concerted effort to combat child prostitution. Law changes control sex trade advertising and impose penalties on citizens arrested abroad for having sex with children. There has been a substantial reduction in the sale into prostitution of Aboriginal girls by their parents. The Child and Youth Sexual Transaction Prevention Act was amended in 1999 to allow maximum prison terms of 10 years for people convicted of paying to have sex with children under the age of 14.

**TRADE UNION RIGHTS:** In 1995 the judicial branch of the government declared that the right to organise trade unions is protected by the Constitution. But, until new legislation implementing this decision is passed, teachers, civil servants, and defence industry workers are not permitted to form trade unions.

El member organisation / Membership:

• China Education Society (CES) / 10,500

• National Teachers' Association R.O.C. (NTA) / 10,893

Population < 15:	24%	% GNP spent on education:	4.8%
Illiteracy:	3.3% <sup>m</sup> /7.2% <sup>f</sup>	Life expectancy at birth:	65m/72f
Pre-primary gross enrolment:	62%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	56%	Tertiary students per 100,000:	2,252
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 22 [reg.av. 31]

Ratification of ILO Conventions:

(29) (97) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** The requirement that children receive six years of free education was raised to nine years in 1999. About 88 percent of the school-age population are enrolled in either public primary schools or those operated by Buddhist monasteries. Only 44.7 percent of all eligible children are enrolled in first year secondary education. Hill Tribe groups face discrimination and do not receive adequate education opportunities. Government sources estimate that only eight percent of Thai children with physical disabilities receive formal schooling due to inaccessibility and social discouragement from enrolling. Thailand has 25 public universities, including two very large open universities, and some 45 private universities and institutes of higher education. Altogether, some 1,220,000 students are enrolled at post-secondary institutions. More than 50 percent of university graduates each year are women. There are 36 teacher-training colleges.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The extension of compulsory education by three years was an attempt by the government to combat child labour. The government also raised the minimum age of employment from 13 years to 15 years in 1998. Although enforcement of child labour laws has not been rigorous, in 1999 the Ministry of Labour increased the number of investigating inspectors. The number of children employed in sweatshops has not improved, partially because the growing number of illegal immigrants from neighbouring countries increases the opportunities for such abuse. Thailand and Cambodia have agreed to a bilateral accord to combat trafficking in women and children across their shared border. The accord is intended to deter smuggling into Thailand for the purposes of prostitution, forced domestic labour, servile marriage, false adoption, sex tourism, child pornography and forced begging. These worst forms of child labour are endemic problems in Thailand. A number of NGOs and government agencies provide rehabilitation programmes for children rescued from prostitution.

**TRADE UNION RIGHTS:** Constitutional amendments now allow teachers to form unions and negotiate if they have more than 50,000 members. Otherwise the 1991 State Enterprise Labour Relations Act, which abolished unions for workers in the public sector, remains in force. Under the Act, State Enterprise Employees' Associations replaced unions in the state sector. They cannot bargain collectively or strike, and have a limited advisory role. It is reported that the Ministry of Education is challenging the right to negotiate of a newly formed teachers' union which achieved the constitutional threshold of 50,000.

**ET member organisation / Membership:**

- The Education Society of Thailand (EST) / 1,000
- Federation of Elementary Education Teachers' Association of Thailand (FEETAT) / 42,000
- The School Teachers' Association of Thailand (PSTAT) / 1,500

Population < 15:	41.52%	% GNP spent on education:	N/A
Illiteracy:	1.5%	Life expectancy at birth:	66m/70f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	100%	Tertiary students:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

The Kingdom of Tonga was admitted to the United Nations in 1999 but had earlier, as a non-member state, ratified the UN Convention on the Rights of the Child. Tonga is not a member of the ILO.

**EDUCATION RIGHTS:** Education has been compulsory since 1882. It is universal and free from age six to 14. Attendance rates are good and Tonga's literacy rate is amongst the highest in the Pacific. The emphasis, according to the EFA Report, is to improve the quality at the primary level so that children will be adequately prepared to enter secondary school, where education is available for all children to Form 6 [upper secondary school]. The government plans include the upgrading of school buildings and classroom equipment. All but 11 of the 116 primary schools are public but three-quarters of secondary students attend non-government schools, sponsored by churches, which receive government subsidies. The government has no policy on early childhood education and currently all programmes are administered by private organisations. The University of the South Pacific Extension Centre and 'Atenisi Institute, a private Tongan institution that offers several degree programmes, are located in Nuku'alofa. There is a teacher training college and several other post-secondary institutions. Approximately 700 students enrolled at tertiary institutions in 1999.

**ACADEMIC FREEDOM:** The Constitution provides for academic freedom and the government respects this in practice. Tonga is one of 12 countries which jointly owns the University of the South Pacific. The University's Senate is recognised as the authority responsible for such matters as teaching and research. SEE ALSO FIJI.

**CHILD LABOUR:** Child labour is not used in the formal economy, although there is no prohibiting legislation.

**TRADE UNION RIGHTS:** Workers have the right to form unions under the 1964 Trade Union Act. Teachers, nurses and squash farmers form the core of the National Trade Union Centre. There is no legislation permitting and protecting collective bargaining or the right to organise, although teachers and nurses have organised and worked on a collective agreement with the government.

El member organisation / Membership:

s Teachers' Association (FITA) / 1,496



Population: 10,588

Population < 15:	34%	% GNP spent on education:	N/A
Illiteracy:	8%	Life expectancy at birth:	64m/69f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Tuvalu was admitted to the United Nations in 2000. As a non-member state it ratified the UN Convention on the Rights of the Child in 1995. Tuvalu is not a member of the ILO.

**EDUCATION RIGHTS:** Education is free and compulsory for all children aged six to 15 years. There are primary schools on each of the eight inhabited islands. A solitary National Secondary School in the capital, Fongafale, on Funafuti Atoll, serves the entire country. There is a serious shortage of trained primary school teachers and the government sends students abroad for teacher training. The education system was reviewed in 1998. Proposed reforms include providing equal access to schooling for girls, rural people, pupils with special needs and the development of an early childhood programme. Although the government allocates about 23 percent of its total budget to education this is insufficient to meet the country's needs. Tuvalu receives financial assistance from France, the European Union, Japan and Canada. This is in addition to the support received from its principal donors, Australia and New Zealand.

**ACADEMIC FREEDOM:** Tuvalu is one of 12 countries that jointly own the University of the South Pacific. Tuvalu respects the fact that responsibility for such matters as teaching and research is vested with the University's Senate and does not interfere with its academic independence. SEE ALSO FIJI.

**CHILD LABOUR:** The employment law prohibits children under the age of 14 from working. The law also prohibits children under 15 years of age from industrial employment or work on any ship and stipulates that children under the age of 18 years are not allowed to enter into formal contracts, including work contracts. Children are rarely employed outside the traditional economy.

**TRADE UNION RIGHTS:** Workers are free to organise unions and choose their own labour representatives, but most of the population lacks permanent employment and is engaged in subsistence activity. The law provides for the right to strike, but no strike has ever been recorded. In the public sector, civil servants, teachers and nurses – who total less than 1000 employees – are grouped into associations that do not presently have the status of unions. The only registered trade union is the Tuvalu Seaman's Union. The Industrial Relations Code [1978] provides for conciliation, arbitration and settlement procedures in cases of labour disputes. For both the private and public sectors, the legal procedures for resolving labour disputes are seldom used; instead the two sides normally engage in non-confrontational deliberations in the various atolls' multipurpose meeting halls.

FI member organisation / Membership:  
Teachers' Association (TTA) / 110



Population < 15:	37%	% GNP spent on education:	4.8%
Illiteracy:	64% [unofficial]	Life expectancy at birth:	67
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Vanuatu is not a member of the ILO.

**EDUCATION RIGHTS:** Although the Government has made education a priority, access to education is limited and school attendance is not compulsory. The abolition of school fees has helped to boost enrolment, however, the dropout rate is high. In 1998 some 38 percent of Ni-Vanuatu enrolled pupils left school before reaching grade 5. The government is committed to fund eight years of education for all by the year 2010 and to improve the access offered at secondary, technical and tertiary level. Classroom teaching is complicated by the fact that Vanuatu has three official languages. English and French are the languages of instruction in school but Bislama, an 'English-based Melanesian pidgin', is universally spoken by the Ni-Vanuatu population. A severe earthquake, in November 1999, followed by a tsunami, caused extensive damage to the northern island of Pentecost. It left thousands homeless and children without school buildings. Vanuatu has three institutions of higher learning – a teacher training college, a technical training school, and one of the three campuses of the University of the South Pacific, Emalus, at Port Vila.

**ACADEMIC FREEDOM:** The government respects academic freedom. Vanuatu recognises the Senate of the University of the South Pacific is the academic authority of the University, responsible for matters such as teaching and research. SEE ALSO FIJI.

**CHILD LABOUR:** The law prohibits children under 12 from working outside of family-owned agricultural production, where many children assist their parents. Employment of children from 12 to 18 is restricted by occupational category and conditions of labour, for example, restrictions on employment in the shipping industry and on nighttime employment. Vanuatu's Education for All (EFA) Report stressed the need to monitor and protect against illegal forms of child labour.

**TRADE UNION RIGHTS:** Unions may not affiliate with international labour federations without government permission. Approximately 29,000 persons are employed in the formal economy. There are five trade unions. The unions are grouped under an umbrella organisation, the Vanuatu Council of Trade Unions, which is a member of the ICFTU. EI affiliate, VTU, is the largest union and accounts for approximately 50 percent of total union membership in the Republic.

Full member organisation / Membership:  
Teachers' Union (VTU) / 500







Population < 15:	33%	% GNP spent on education:	3.1%
Illiteracy:	7% [1997 est.]	Life expectancy at birth:	66m/72f
Pre-primary gross enrolment:	40%	School life expectancy [years]:	8
Net enrolment first level:	94% [1999]	% 1995 cohort reaching grade 5:	81m/83f
Secondary gross enrolment:	60% [1999]	Tertiary students per 100,000:	1,087
Primary pupil teacher ratio:	18	% govt. expenditure on education:	11.7% [2000]

Child Risk Measure: 17 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (192)

**EDUCATION RIGHTS:** Education is free and compulsory for all children from age seven through to the eighth grade. In 1944, when communist partisans came to power, the majority of Albanians could neither read nor write. Education was a high priority. An elaborate compulsory school system was devised and adults were obliged, by law, to attend classes in reading and writing. When the communist government collapsed in 1991-92, illiteracy had been virtually eliminated. Through the 1990s, Albania struggled to capitalise on the legacy of a literate society. Education indicators show that participation in basic education declined between 1992-2000. Government plans to reform the education system were lost in a series of economic and social crises. The collapse of financial pyramid schemes in 1997 triggered a massive breakdown in public order. More than 1,500 died and there was widespread destruction of property. Nearly a thousand schools were vandalised, along with their libraries, and text-book depositories. Over 4,500 teachers either fled the country, or relocated from rural to urban areas, leaving village schools understaffed. Others resigned from the profession. Greek-language public primary schools are provided in the south of the country where there is a significant ethnic-Greek population. Classes in the Macedonian language are available to pupils in districts which border the Former Yugoslav Republic of Macedonia. There are no ethnic-minority language secondary schools. Roma, a neglected minority group, have a high rate of illiteracy. Albania's meagre resources were strained in 1999 when the country hosted between 550,000 and 600,000 refugees from neighbouring Kosovo during the violent conflict and NATO military action. The refugees included many school-age children. With limited resources, the two Albanian education unions worked tirelessly with SBASHK, the Kosovo teachers' union, to provide support for Kosovo teachers and students during their stay in Albania. EI co-ordinated a programme with its affiliates and the Dutch development agency, NOVIB.

**ACADEMIC FREEDOM:** Academic freedom is restricted at the country's eight universities, and other institutions of higher education. There are complaints that appointments and dismissals of university staff are politically motivated. The government argues that faculty changes are made on the basis of merit.

**CHILD LABOUR:** The Labour Code sets the minimum age of employment at 16 years and limits the amount and type of work that can be performed by persons under 18. Children aged 14-16 may work in light part-time jobs during summer vacations. In rural areas many children drop out of school, in defiance of the Code; to work on their families subsistence farms. Albania is plagued by organised and semi-organised criminal activity. Albanian gangsters are involved in worst forms of child labour and have ties with international crime organisations. The trafficking of girls for the purpose of forced prostitution is a significant problem. Criminals are known to kidnap children from families or orphanages to be sold into prostitution or paedophile rings abroad. Cases have been reported in which trafficked women and girls were raped, beaten and injected with heroin. Women and girl children who manage to escape face rigid notions of family honour and it is extremely difficult for them to reintegrate into their communities. In a particularly backward region in the north east many men follow a traditional code in which females are treated as chattel and it is acceptable to kidnap girl children as brides. The region is also notorious for 'blood-feuds.' Several thousand children have abandoned their education because their families are involved in vendettas that endanger their safety. There are a growing number of children working as street vendors in urban areas. Roma children often work as beggars. Both groups are vulnerable to control by criminal gangs. A government committee, in partnership with NGOs, was established in 2000 to review children's human rights in Albania and recommend strategies for improvement. The committee reports to the UN Committee on the Rights of the Child in Geneva.

**TRADE UNION RIGHTS:** Workers have the right to form independent trade unions and to organise. The 1995 Labour Code formally established procedures for collective bargaining. Public sector workers are entitled under the Code to sign collective agreements and both EI's affiliates in Albania have been parties to such agreements since 1997. Unions representing public sector employees have the right to strike, providing the strikes are 'non-political'. EI's affiliates, FSASH and SPASH ITUEA took major strike action during 1999 in support of demands for an increase in teachers' salaries. The action brought a negotiated settlement which improved salaries in the education sector between 20 and 30 percent.

EI member organisation / Membership:

- Trade Union Federation of Education and Science of Albania (FSASH) / 8,560
- Trade Union of Education of Albania (SPASH ITUEA) / 22,500

Population < 15:	17%	% GNP spent on education:	5.4%
Illiteracy:	Negligible	Life expectancy at birth:	74% <sup>m</sup> /81% <sup>f</sup>
Pre-primary gross enrolment:	80%	School life expectancy [years]:	14.5
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	88% <sup>m</sup> /89% <sup>f</sup>	Tertiary students per 100,000:	2,988
Primary pupil teacher ratio:	12	% govt. expenditure on education:	10.4%

Child Risk Measure: less than 5 [reg.av. 6]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Beginning at age six, nine years of education are free and compulsory for all children. Officially recognised religions enjoy special benefits, including state subsidies for religious teachers [at both private and public schools]. The Government also provides free education at technical, vocational and university levels. Austria has an extensive system of special schools and adult education centres. Some mother-tongue educational provision is made for the Croatian, Czech, Hungarian and Slovenian communities. There are 12 universities and a number of other institutions of similar stature. The universities are oversubscribed, with students taking six years or more to complete their first degrees.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum legal working age of 15 years is effectively enforced. The government has adopted laws and policies to protect children from exploitation in the work place. Recent legislation enables the prosecution of Austrian citizens engaging in sexual activities with children in a foreign country, irrespective of whether or not an offence was committed under the laws of that country. The government sponsored an international conference in 1999 on combating child pornography on the Internet.

**TRADE UNION RIGHTS:** Membership of unions is voluntary, but all wage earners are required by law to join their respective chambers of labour. Chambers are organised on a provincial basis and represent workers on legislative matters. In 1999, 52 percent of the work force was organised into 14 national unions, all belonging to the Austrian Trade Union Federation. The right to strike is universally recognised although it is not explicitly provided for in legislation. Historically, strikes have been few and usually of short duration. An unofficial tripartite system of 'social partnership' is a major reason for the relatively good record of labour relations. At the centre of the system is the Joint Parity Commission for wages and prices, which has an important voice on major economic issues. Workers and employers

remain in longstanding disagreement over how to comply with the obligation under the ILO's Convention 98 to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

El member organisation:

members of Gewerkschaft Öffentlicher Dienst/ Bundessektion  
hullehrer (GÖÖ) have elected to affiliate with EI.

Population < 15:	30%	% GNP spent on education:	3.3%
Illiteracy:	2%	Life expectancy at birth:	70
Pre-primary gross enrolment:	20%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	95%
Secondary gross enrolment:	73% <sup>m</sup> / 81% <sup>f</sup>	Tertiary students per 100,000:	1,513
Primary pupil teacher ratio:	20	% govt. expenditure on education:	21.3%

Child Risk Measure: 24 [reg. av. Central Asia: 41]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Public education, funded by the state budget and local and district budgets, is compulsory and universal until the age of 17. However, difficult economic circumstances and the humanitarian crisis, resulting from conflict with Armenia, limits Azerbaijan's ability to fully deliver schooling to all its children. The country's 4,610 schools struggle to cope with the needs of 1.6 million students and many schools work in two shifts per day and some in three shifts. The loss of 15 percent of Azerbaijan's territory to the self-styled "Republic of Nagorno-Karabakh" displaced hundreds of thousands of school-age children, some 10,000 teachers, and reduced the country's schools and other educational institutions by 916. Many internally displaced citizens live in camps and other temporary shelters, often at below subsistence levels. At the start of the 1999-2000 scholastic year, 85,000 children within the refugee camps were attending classes in some 700 temporary schools. Enrolments in early childhood education programmes declined significantly throughout the country during the 1990s. The post-Soviet era brought few structural changes to the education system. Initial alterations included the reestablishment of religious education and curriculum changes that re-emphasised the use of the Azerbaijani Turkophone language and replaced the Soviet ideological content with a hard-line nationalistic one. The Roman alphabet replaced the Cyrillic alphabet in 1992. Textbooks are free only at the primary level. There are 74 technical professional colleges and 118 vocational schools. Forty-eight colleges are classified as institutions of higher education, 17 of them private. The country's 20 universities include the University of Azerbaijan in Baku.

**ACADEMIC FREEDOM:** Several professors with tenure are active in opposition parties. However, appointments to government-controlled academic positions are reportedly heavily dependent on political connections.

**CHILD LABOUR:** The minimum age for employment is 16 years. The law allows children between the ages of 14 and 15 to work with the consent of their parents and limits the work of children aged between 14 and 16 to 24 hours per week. There is no explicit restriction on

the type of labour that 15-year-old children may perform provided they have union consent. There are some child beggars on the streets of the capital, Baku.

**TRADE UNIONS RIGHTS:** Labour unions operate much as they did under the Soviet system and remain tightly linked to the government. The Constitution provides for freedom of association. There are no restrictions on the right to strike. A 1996 law provides for collective bargaining agreements to set wages in state enterprises. The Azerbaijan EFA Report describes teacher salaries as very low and insufficient to support family requirements, although the government has tried to increase salaries to reduce attrition, which is a serious problem.

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FOOTNOTE: Azerbaijan includes the region of Nakhichevan [Azerbaijani Naxçıvan], which has a predominately Shi'ite Muslim Azerbaijani population. Nakhichevan is geographically detached from Azerbaijan by an intervening strip of Armenian territory. Armenia argues that the region should be incorporated into its Republic. Azerbaijan also includes the highly disputed region of Nagorno-Karabakh, an enclave situated entirely inside its borders but with a predominately Armenian Christian majority.

Population < 15:	27%	% GNP spent on education:	5.6%
Illiteracy:	<1%	Life expectancy at birth:	74m/81f
Pre-primary gross enrolment:	118%	School life expectancy [years]:	16.8
Net enrolment first level:	98.5%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	142%m/151%f	Tertiary students per 100,000:	3,551
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	10.4%

Child Risk Measure: less than 5, [reg. av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Education is free and compulsory from age six to 18, and provides six years of primary and six of secondary education. Since 1959, the system has included both secular and church schools. The government pays the salaries, pensions, and accommodation expenses of teachers in Roman Catholic schools, as well as the construction and upkeep of their school buildings. Other recognised religions have the right to provide teachers, at government expense, for religious instruction in schools. Education is controlled by the linguistic communities, and the language of instruction is accordingly either French or Dutch and, in some eastern communes, German. In 1998-99 school year, 425,000 children were enrolled in early-childhood education. There were 740,000 primary and 800,000 secondary students. Asylum seekers may be detained for up to five months while their case is considered. During this period their children receive no education. Belgium has nine large-scale universities. There are numerous other institutions of higher learning, including academies of fine arts, conservatories of music, and two state agricultural colleges. Access to higher education is usually open and there is no limit on places available. Three hundred and fifty thousand students attend university or other tertiary institutions.

**ACADEMIC FREEDOM:** The federal government and the regional governments respect academic freedom.

**CHILD LABOUR:** The minimum age for employment of children is 15, but schooling is compulsory to the age of 18. Students between 15 and 18 years of age may participate in part-time work/study and may work full-time during school vacations. There are no industries where significant child labour exists. Belgium is, however, both a transit point and destination for trafficking in children. The police are instructed to be diligent in combating child prostitution and the sexual exploitation of women under 18. The government and NGOs provide shelters for runaways and exploited children, and counselling for physically or sexually abused children. Citizens who commit sexual offences against children

abroad may be prosecuted. Marc Dutroux, suspected of being the leader of a murderous paedophile ring, that was uncovered in 1996, remains in detention and is not expected to come to trial until 2002.

**TRADE UNION RIGHTS:** About 60 percent of workers are members of unions. Unions, including those covering the public sector, have the right to strike. Collective bargaining agreements apply equally to union and non-union members. For 1999-2000 employers and unions agreed to limit compensation for cost of living adjustments, wage increases and job creations measures to 5.9 percent.

In 1999 the ILO's Committee of Experts on the Application of Conventions and Recommendations criticised the Belgian government for not adopting legislation that would allow universal access to the National Labour Council. Currently, only union confederations associated with three political parties have access to the Council.

For several years, employers have applied to civil courts to end strike action on technicalities. The overall effect has been to undermine the right to strike. Judges have ruled inconsistently and on matters, arguably, outside their jurisdiction. Although draft laws were submitted to the federal parliament to settle the legal confusion no concrete action has been taken.

El member organisation / Membership:

- Algemene Centrale der Openbare Diensten Sector 'Onderwijs' (ACOD) / 15,100
- Générale des Services Publics - Enseignement (FGTB-CGSP) / 8,000



Population < 15:	17%	% GNP spent on education:	N/A
Illiteracy:	2.4m/11% *	Life expectancy at birth:	63m/72f
Pre-primary gross enrolment:	10% *	School life expectancy [years]:	N/A
Net enrolment first level:	99%*	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	21 *	% govt. expenditure on education:	N/A

\* These statistics apply only to the Federation.

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is compulsory to age 15 in both the Federation and Republika Srpska [RS]. There were 259,887 children enrolled in primary school in the Federation in 1997. The civil war killed, wounded or permanently disabled nearly 55,000 children. Many tens of thousands of other children lost one or both parents, and/or were internally displaced, or made refugees: all at great cost to their right to an education. Children suffer disproportionately from the societal stress of the post-war era. Many internally displaced children are unable to return to their pre-war homes or district. The ethnic divisions remain a severe impediment to education. The classrooms of Bosnia and Herzegovina do not always provide a neutral setting. In 1999, the International Human Rights Law Group concluded that segregation and discrimination were entrenched in Bosnian schools.

**ACADEMIC FREEDOM:** In practice academic freedom is inhibited. There are reports of discrimination and that ethnic and political affiliations tend to influence university appointments and promotions. The problems facing academic freedom are compounded by a lack of resources and suitably qualified staff - many academics left the country during the 1990s and have not returned. During the civil conflict the universities reflected the divisions in the society and to the detriment of research and scholarship. Students and their associations, however, are no longer inconspicuous on campus and are increasingly vocal in their demand for education ahead of ideology and politics. The city of Mostar remains divided along ethnic lines and this is reflected at university level with the city maintaining two institutions of higher learning based on ethnicity.

**CHILD LABOUR:** The minimum age for employment of children in both entities is 16 years. Children sometimes assist their families with farm work and odd jobs. The Dayton Agreement incorporated the UN Convention on the Rights of the Child into the Accord and it has the effect of law in both the Federation and the RS. Anecdotal research shows that children were not only traumatised by the civil war itself but also continue to be adversely affected by living in an insecure and fractured environment. As in other countries in transition, children are exposed to dis-

order and violence, and to the danger of exploitation and mistreatment by organised criminal elements. The society and the legal system provides inadequate protection. The government, for example, has done little to combat the problem of girls coerced or forced into prostitution

**TRADE UNION RIGHTS:** The Federation and RS Working Law provides for workers to organise, form and join unions, bargain collectively and the right to strike. However, certain restrictions apply which were imposed by the World Bank and the IMF. There was a rally in Sarajevo, in October 1999, to protest non-payment of salaries and other social issues. There were claims that government officials threatened participants with dismissal from their jobs. In the education sector, the devolving of responsibility for education to the cantons has added to the difficulties for effective union organisation. Although EI's affiliates are well organised their activities are complicated by the fact that they must deal with no less than 13 ministries of education.

**FOOTNOTE:** The Dayton Peace Agreement, in 1995, brought a halt to more than three years of regional war and established Bosnia and Herzegovina as a united state of two entities: the Federation of Bosnia and Herzegovina and Republika Srpska. In the federal territory education is the responsibility of the 10 cantons. In Republika Srpska the education system is centralised. Under the former Socialist Federal Republic of Yugoslavia, and prior to the conflict, Bosnia and Herzegovina, had a mixed ethnic population and, by European standards, moderate economic growth. Aggression against the state followed its declaration of independence in 1992 and armed conflict that followed developed along lines based on ethnicity. The civil war cost over 200,000 lives, displaced one and a half million citizens, and left the economy in ruins. The region remains unstable with many well documented cases of serious violations of human rights.

**EI member / Membership:**

- Independent Trade Union of Primary Education Workers of Bosnia and Herzegovina [ITUPEWBH] / 49,097
- Independent Trade Union of the Secondary School [ITUSS] / 20,000

Population < 15:	16%	% GNP spent on education:	3.2%
Illiteracy:	1.2% m / 2.6% f	Life expectancy at birth:	69 m / 76 f
Pre-primary gross enrolment:	63%	School life expectancy [years]:	N/A
Net enrolment first level:	92%	% 1995 cohort reaching grade 5:	89.5%
Secondary gross enrolment:	76.5%	Tertiary students per 100,000:	3,110
Primary pupil teacher ratio:	17	% govt. expenditure on education:	7%

Child Risk Measure: 7 [reg.av.6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Education is free and compulsory for children from age six to 16. About 85 percent of eligible students go to school. Fewer girls than boys attend, especially among minorities. The severe economic difficulties experienced in the transition to a market economy have greatly constrained funding and improvements to the education system. Public expenditure on education declined by nearly 75 percent during the 1990s. In the 1990s, English replaced Russian as the most studied foreign language. Ethnic Turks comprise nearly 10 percent of the population. Voluntary Turkish-language classes in public schools, funded by the Government, are held in areas with significant Turkish-speaking communities. Hangovers from the communist era are still reflected in education policies. Children with disabilities are educated separately. The government maintains a sizeable network of orphanages. Many are in disrepair and lack proper facilities. The quality of education offered to Roma children is inferior to that afforded most other students. The country has 34 all-Roma schools. Only 50 percent of the enrolment attend class regularly and only 10 percent complete the school programme. Recent initiatives by the government and Roma NGOs to provide free lunches, subsidise textbook and tuition costs have been helpful. Roma and other marginalised children are often sent to Labour Education Schools. These schools provide poor living conditions and inadequate education. The children are frequently subjected to cruel treatment by unqualified staff. There are more than 20 institutions of higher learning in Bulgaria, including the University of Sofia. About 30 percent of students continue their education past the secondary level.

**ACADEMIC FREEDOM:** After the fall of the communist regime in 1991, a new law on academic freedom gave every institution of higher learning the right to manage its teaching and research activities without government interference.

**CHILD LABOUR:** The minimum age for hazardous work is 18 years. The Labour Code sets the minimum age for employment at 16 years. Child labour laws are enforced well in the formal sector. Large employment in the informal and agricultural sectors is common. Children are increas-

ingly exploited in small family-owned shops, construction, and periodic sales, and by organised crime (notably for prostitution and the distribution of narcotics). As many as 100,000 children are employed illegally. Human rights observers consider that reform schools known as 'Educational Boarding Schools' or 'Labour Education Schools' operate as penal institutions. In these 'schools' children are forced to work on farms or to produce articles for the domestic and international markets. Trafficking in girl children for the purpose of forced prostitution is a serious problem. Roma children are a particularly high risk group in this worst form of child labour.

**TRADE UNION RIGHTS:** The 1991 Constitution provides for the right of all workers to form or join trade unions of their choice. The government has passed an Act which excludes public employees from collective bargaining. Teachers went on strike in August 1999 over several months of wage arrears.

El member organisation / Membership:

- Syndicat des Enseignants Bulgares (SEB) / 82,000
- Съюз на учителите "Подкрепа" (SE) / 10,000



Population < 15:	17%	% GNP spent on education:	5.3%
Illiteracy:	0.7% <sup>m</sup> /3.3% <sup>f</sup>	Life expectancy at birth:	70.69 <sup>m</sup> /77.52 <sup>f</sup>
Pre-primary gross enrolment:	40%	School life expectancy [years]:	11.4
Net enrolment first level:	82.5%	% 1995 cohort reaching grade 5:	100%
Secondary gross enrolment:	82%	Tertiary students per 100,000:	1,911
Primary pupil teacher ratio:	19	% govt. expenditure on education:	N/A

Child Risk Measure: 10 [reg.av. 6]

Rotification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Croatia considers pre-school care and education an integral part of the education system. Primary education is compulsory, free and universal for eight years, from age six or seven until 14 or 15. Although secondary school attendance is not compulsory, the majority of students continue to age 18 or 19.

The children from ethnic minorities, and displaced and refugee children, are disadvantaged, including in their education. Prior to the death of President Tudjman, textbooks favoured a nationalistic Croat interpretation of history and tended to refer to minorities in derogatory terms. Jewish leaders' offer to replace inaccurate material about Judaism went unheeded. Although attendance is not mandatory, there are numerous reports that students felt pressured to attend religious instruction. The Roman Catholic catechism was predominately offered. Roma children are a marginalised minority. The government blame the problems largely on linguistic and cultural differences that make their integration in schools difficult. Serb students follow the Croat curriculum. In September 1999, the government provided for work contracts for Muslim instructors in schools that reached a threshold of Muslim students. The Muslim community in Zagreb has a secondary school; however, the Ministry of Education refuses to recognise its graduation diploma. The republic has four universities and three polytechnic institutes. They have a combined enrolment of 86,000 students.

**ACADEMIC FREEDOM:** Academic freedom is generally respected. Scholars tend to be wary about speaking out on political issues. Some scientists report that the government's control of research funds exerts a subtle pressure. In June 1999, the Dean of the Faculty of Philosophy at Zagreb University stifled a panel discussion on the escalation of violence in Croatia, primarily on the grounds that political debate jeopardised the University's autonomy.

**CHILD LABOUR:** The minimum age for the employment of children is 15 years of age, and it is enforced by the Ministry of Labour and Social Welfare. Under the Constitution, children may not be employed before reaching the legally determined age, may not perform forced or bonded

labour, and are not allowed to perform work that is harmful to their health or morality. Workers under the age of 18 are entitled to special protection and may not be employed for heavy manual work or on night shifts. There is no known pattern of abuse of child labour.

**TRADE UNION RIGHTS:** Workers are entitled to form or join unions of their choosing. There have been a number of cases of unionists being intimidated or dismissed for their union activities. Workers may not strike for non payment of wages, according to a Supreme Court ruling. There are strict limitations, under the Constitution, on the right to strike by public servants. Teachers unions have campaigned over the past three years for improved pay and conditions. Strike action in 1997 and 1998 resulted in government attempts to discredit the unions taking strike action by paying non-striking teachers an additional allowance. This was in breach of ILO standards on collective bargaining. Nevertheless significant pay increases have been negotiated and this despite pressure on the government from the IMF not to do so.

**ET member organisation / Membership:**

- The Croatian Teachers' Union (CTU) / 25,000
- Independent Trade Union of Workers in Secondary Education of Croatia (ITUWEC) / 17,000
- Independent Union of Research and Higher Education Employees of Croatia (IURHEEC) / 8,080
- Trade Union of Kindergarten, Elementary and High School Employees of Croatia (TUKEHSEC) / 2,100
- Union of Workers in Pre-School Education in Croatia (TUWPSSEC) / 10,000



## Republic of Cyprus • Population: 754,064

◆: RC = REPUBLIC OF CYPRUS. - ▲: TRNC = "TURKISH REPUBLIC OF NORTHERN CYPRUS"

SEE FOOTNOTE 1

Population < 15:	24% ◆ 21.6% ▲	% GNP spent on education:	4.5% ◆ 1.6% ▲
Illiteracy:	1.5% <sub>m</sub> /5.7% <sub>f</sub> ◆ 3.1% <sub>m</sub> /10.2% <sub>f</sub> ▲	Life expectancy at birth: 75m/80f	◆ 72.1m/76.9f ▲
Pre-primary gross enrolment:	60% ◆ 100% ▲	School life expectancy [years]:	N/A
Net enrolment first level:	96.5% ◆ 100% ▲	% 1995 cohort reaching grade 5:	99.5% ◆ 100% ▲
Secondary gross enrolment:	95% <sub>m</sub> /99% <sub>f</sub> ◆ 100% ▲	Tertiary students per 100,000:	1,193 ◆ 1,238 ▲
Primary pupil teacher ratio:	15 ◆ 14 ▲	% govt. expenditure on education:	13.2% ◆ 3.4% ▲

Ratification, by the Republic of Cyprus,  
of ILO Conventions.

SEE FOOTNOTE 2

(29) (87) (98) (100) (105) (111) (138) (182)

**EDUCATION RIGHTS:** Separate educational systems are maintained by the Greek-speaking and Turkish-speaking communities. Primary education is free and compulsory from age five in both communities. There is no difference in the educational opportunities available to boys and girls in either sector.

In the Republic the first three years of secondary education [the Gymnasium] is compulsory. A further three years, the Lyceum, is available in the public system as well as technical and vocational schools. Higher education is provided by the University of Cyprus [1992] and other tertiary level institutions. A large number of students elect to continue their post-secondary education abroad [40 percent of whom are female]. An economic embargo handicaps Turkish Cypriot development. To compensate, Turkey provides aid to nearly every sector, including education. Turkish Cypriots participate in university entrance examinations set by the Ministry of Education of the Republic of Turkey. Although there are university colleges in the Turkish sector, many students study abroad. The United Kingdom provides primary and secondary schools for dependent children living on its military bases.

**ACADEMIC FREEDOM:** Academic freedom is generally respected throughout Cyprus.

**CHILD LABOUR:** In both communities, the minimum age for employment of children in an 'industrial undertaking' is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. There are labour inspectors in both communities. In family-run shops it is common to see younger children working after school. Children as young as 11 or 12 years work in orchards during their school holidays in the Turkish Cypriot community.

**TRADE UNION RIGHTS:** More than 70 percent of the Greek Cypriot workforce belong to independent trade unions. In both communities, trade unions freely and regularly take stands on public policy issues. All workers have the right to strike, and trade unions and confederations by

law are free to organise and bargain collectively throughout Cyprus. Most wages and benefits are set by freely negotiated collective agreements. However, Greek Cypriot collective bargaining agreements are not legally binding. Approximately 50 to 60 percent of Turkish Cypriot private sector workers and all public sector workers belong to trade unions. In the Turkish Cypriot community, where inflation exceeded 60 percent in 1999, wage levels are reviewed several times a year for both private and public sector workers, and a corresponding cost-of-living raise is established. As in the Greek community, parties to a dispute may request mediation by the authorities. On 24 July, 2000, the Presidents of EI affiliates in TRNC were among those arrested during a rally of NGOs and union leaders. EI and others, responded immediately, and reminded the government of TRNC that the arrests contravened ILO Conventions guaranteeing labour rights, including the right to organise demonstrations. The teacher representatives, and other detainees, were released, without conviction, on or before 28 July. During October 2000, Greek and Turkish teachers' unions met and reappraised their relationship without setting preconditions. In a joint statement announcing rapprochement, the organisations referred not only to union issues of common concern but also stressed the belief that they had a vital part to play in promoting an enduring peaceful society leading to an united Cyprus. The unions are committed to a continuing dialogue. In February 2001 Turkish Cypriot teachers' unions reported that their leadership and members were being harassed and intimidated by the authorities after criticising the territory's economic relations with Turkey.

FOOTNOTE 1 - Cyprus has been a divided island since 1974. The Greek Cypriot area is controlled by the government of the Republic of Cyprus (RC) and is recognised internationally. The 'Turkish Republic of Northern Cyprus' (TRNC) is recognised only by Turkey. In 1999 the European Human Rights Commission declared that TRNC was 'a subordinate local administration of Turkey operating in Northern Cyprus.' The population of TRNC is approximately 200,000. The two areas are separated by a UN patrolled buffer zone. There are also two United Kingdom military bases on Cyprus, totalling 256 square kilometres in area.

FOOTNOTE 2 - Although TRNC is not eligible for membership, the territory reports that its administration endorses ILO Conventions 29, 87, 98, 100, 105, and 111.

EI member organisation / Membership:

- Cyprus Turkish Secondary Education Union Cyprus Turkish Teachers Trade Union (KTTOEUS) / 1,423
- Cyprus Turkish Teachers' Trade Unions (KTOS) / 1,100
- Organisation of Secondary School Teachers of Cyprus (OELMEK) / 3,013
- Association of Teachers of Technical Education Cyprus (OITEK) / 400
- Greek Teachers Association (POED) / 3,010



Population < 15:	17%	% GNP spent on education:	5.1%
Illiteracy:	Negligible	Life expectancy at birth:	71m/78f
Pre-primary gross enrolment:	91%	School life expectancy [years]:	12.8
Net enrolment first level:	91%	% 1995 cohort reaching grade 5:	98%
Secondary gross enrolment:	97m/100f	Tertiary students per 100,000:	2,009
Primary pupil teacher ratio:	19	% govt. expenditure on education:	N/A

Child Risk Measure: 8 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is compulsory from age six to 15 years. Early childhood education is widely available for children three to five years of age. General secondary schools are attended by students from 15 to 18 years of age and offer courses either directed to preparation for university or, in the case of vocational secondary schools, a four-year programme that prepare students entering the workforce. Although most schools in the Czech Republic are still state controlled, there are now more than 50 private primary schools and more than 200 private secondary schools. Higher education is free but fees are charged to students who repeat a year. Most of the estimated 200,000 to 250,000 Roma remain outside the mainstream of Czech society and face discrimination in such areas as education. They have a high rate of adult illiteracy. The integration of Roma children into mainstream schools is frequently impeded by language and cultural barriers. It is alleged that the number of Roma children relegated to "special schools" for the mentally disabled and socially maladjusted constitutes de facto racial segregation. The European Roma Rights Centre claims that Roma children are fifteen times more likely to attend special school than other Czech children. Government programmes and various NGO initiatives now exist to prepare Roma children for mainstream schools. A government project to foster Roma integration into mainstream education includes training ethnic Roma teaching-assistants for early children classes, and the placement of Roma 'assistant teachers' in primary and special schools to help teachers communicate and encourage parental participation. In 1999, the Ministry of Education took steps to implement reforms, including the introduction of joint Romani-Czech language textbooks into 60 primary schools. In December, Parliament approved legislation allowing qualified Roma students to shift from special schools to mainstream secondary public education. It was seen as a significant step in opening access to higher education for Roma. There has been a Department of Romani Language Studies at Charles University, in Prague, since 1991, and university-level Romani language study programmes in two other institutions. Ethnic Slovaks are the largest minority in the Republic. Both Polish and Slovak minorities receive education in their mother

gue.

**ACADEMIC FREEDOM:** The law provides for academic freedom but prohibits activities by established political parties at universities. A 1991 law prevents Communist-era officials and apologists from holding senior positions in a wide range of appointed positions, including at universities. It has been criticised as a violation of human rights, and faulted for being based on incomplete and unreliable records. Citizens unjustly accused of "collaboration" may suffer diminished career prospects and damaged personal reputations without adequate redress.

**CHILD LABOUR:** The Labour Code, which is effectively enforced, stipulates a minimum working age of 15 years, although children who have completed courses at the 'special schools' may work at age 14. Trafficking in girls for the purposes of forced prostitution is a problem. Numerous convictions have been obtained as a result of investigative efforts. Young Roma children are particularly vulnerable to sexual exploitation. The dissemination of child pornography by any means is a criminal act and the law is enforced.

**TRADE UNION RIGHTS:** Workers have the right to form and join unions of their own choosing and this right is respected by the government. The law requires that labour disputes be subject first to mediation and that strikes take place only after mediation efforts fail. In the government sector, wages are regulated by law and it is not possible to bargain collectively for salaries and working conditions in the public service.

EU member organisation / Membership:

- Czech and Moravian Trade Union of Workers in Education (CMOSPS) / 81,583
- Union of Workers in Science and Research (TUWSR) / 3,013

Population < 15:	26%	% GNP spent on education:	8.1%
Illiteracy:	Negligible	Life expectancy at birth:	73.86m/79.33f
Pre-primary gross enrolment:	83%	School life expectancy [years]:	14.6m/15f
Net enrolment first level:	99%	% 1995 cohort reaching grade 5:	99.5%
Secondary gross enrolment:	121%	Tertiary students per 100,000:	3,349
Primary pupil teacher ratio:	10	% govt. expenditure on education:	N/A

Child Risk Measure: less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Primary education has been compulsory since 1814 and is, for the most part, free. All children must attend school from age seven to 16. Seventy-five percent of four-year-olds participate in early childhood services and there are pre-primary classes for six-year-olds. Primary education consists of a nine-year comprehensive school; all students may continue school through the tenth year and gifted students are encouraged to continue their studies. The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent. The State contributes to the support of private schools. Denmark has a small German minority for whom German schools, curricula and teachers are provided through an agreement with the German government. There is a reciprocal agreement which provides for the Danish community in Germany. Kalaallit Nunaat's powers of home rule include jurisdiction over education. About 87 percent of the population identify themselves as Inuit or Greenland-born Danes. About 10 percent are immigrant Danes. The school system has an insufficient number of Inuit speaking teachers and consequently many Danish-speaking and Danish educated teachers are employed. Only between 50-60 percent of the student population has mastered the Inuit language, despite the importance attached to it and the common practice of using it as the first language of instruction. There are six major universities in Denmark and about 45 percent of secondary school graduates continue on to higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for full-time employment is 15 years. This is effectively enforced. A 1996 change in the work environment law tightened employment rules for those under 18 years of age and set a minimum of 13 years of age for any type of part-time or vacation work.

**TRADE UNION RIGHTS:** Eighty percent of wage earners belong to unions. Collective bargaining is protected by law and is widespread in practice. Civil servants do not have the right to strike. Until 1993 teachers were classified as civil servants. Since 1993, new employees in the education sector are not deemed to be civil servants. They are employed by local authorities under collective contracts. In general terms, the status of teachers in Denmark has taken a positive direction in recent years. A new collective agreement in 2000 gave teachers a relatively substantial pay rise and improved their working environment.

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FOOTNOTE: SELF-GOVERNING ENTITIES: Kalaallit Nunaat (Greenland) [Population: 58,768] (Granted Home Rule 1979). Faroe Islands [Population: 45,000] (Granted Home Rule 1948) SEE FAROE ISLANDS.

**EU member organisation / Membership:**

- The Danish Union of Teachers (DLF) / 61,265
- Dansk Magisterforening (DM) / 6,504
- The Danish National Federation of Early Childhood and Youth Education (BUPL) / 47,526
- Danish Federation of Teachers of Technical Education (DTL) / 4,849
- Gymnasieskolernes Lærereforening (GL) / 10,527
- Landsforbundet af Voksen-og Ungdomundervisere (LVU) / 5,770
- Union of Teachers in Vocational Education (LVA) / 1,850

Population < 15:	18%	% GNP spent on education:	7.6% [1999]
Illiteracy:	2%	Life expectancy at birth:	65.35m/76.9f
Pre-primary gross enrolment:	68%	School life expectancy [years]:	12.3m / 12.9f
Net enrolment first level:	95.5% [1999]	% 1995 cohort reaching grade 5:	96%
Secondary gross enrolment:	109% <sup>m</sup> /117.5% <sup>f</sup>	Tertiary students per 100,000:	3,725 [1999]
Primary pupil teacher ratio:	17	% govt. expenditure on education:	17.12% [1999]

Child Risk Measure: 10 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** Education is compulsory between the ages of seven and 16 and free in state and local government schools. Schools offer nine years of primary and three years of secondary education. The government subsidises school meals. A strong commitment to education is evidenced by the high priority given to building and refurbishing schools. In municipal schools the state budget covers teachers' salaries and administrative staff and educational expenses while school maintenance costs are covered by the local government budget. In 1998, 49 percent of the eligible age group were enrolled in early childhood programmes. In contrast to the past, current Estonian legislation supports the education of children with disabilities. Ethnic Russians make up 29 percent of the population and non-ethnic Estonians as a whole, 37 percent. Some schools are bilingual and there are some 111 schools where Russian is still the first language. By the year 2007 all graduates from non-Estonian language primary schools should have sufficient knowledge of Estonian to enable them to continue their studies in Estonian. The law on basic secondary and vocational education states that the language of instruction should be Estonian. Senior secondary education is voluntary and free at state and municipal schools. Seventy-one percent of students complete secondary school and all graduates are entitled to sit for state exams and can continue studies at university. A total of 40,621 students were enrolled at university in 1998-99. There are six public universities, eight state professional schools and 18 private institutions of higher learning, six offering degree studies. Some 16 percent of Estonians between the ages of 24 and 33 graduate from institutions of higher learning and 25 percent of the adult population are enrolled in some form of continuing education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Estonian law has been altered to conform to the UN Convention on the Rights of the Child. The statutory minimum for employment is 16 years of age. Minors 13 to 15 years of age may work with written permission of a parent or guardian and the local labour inspector, working is not dangerous to the minor's health or considered immoral, does not interfere with

studies, and if the type of work is approved. It is estimated that 1.3 percent of children in the compulsory school-age group are not in school without good reason. There are instances of families forcing their children to engage in peddling or begging. There are about 100 street children

**TRADE UNION RIGHTS:** Estonia elected a new government in 1999 which said it was ready to review the registration requirements for trade unions in line with the principles of freedom of association. Existing laws laid down stringent requirements for registration, limited union rights, and gave the authorities the power to liquidate trade unions. The government's request for ILO technical assistance led to an ILO mission in August. The national trade union centre, EAKL, has been registered. Estonian workers have a right to take strike action and collective bargaining is permitted.

EI member organisation / Membership:

- Estonian Educational Personalities' Union (EPU) / 14,200
- Association of Estonian Universities (UNIVERSITAS) / 3,000

Population < 15:	23%	% GNP spent on education:	N/A
Illiteracy:	similar to Denmark	Life expectancy at birth:	75.66m/81.58f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

**ILO Conventions** - SEE FOOTNOTE 2

**EDUCATION RIGHTS:** Education is administered by the Faroese authorities, but as it is considered a matter of joint or common concern, the legislative authority lies with the Danish government. Facilities, such as school buildings, are the responsibility of the Islands' municipalities. Education is based on the Danish system but instruction is in the Faroese language [which derives from Old Norse]. Danish is taught as a second language. It is common practice for students to go abroad, particularly to Denmark, for higher education.

**ACADEMIC FREEDOM:** There is no university.

**CHILD LABOUR:** N/A

**TRADE UNION RIGHTS:** Faroe Islands was badly hit by economic recession after 1989. This led to considerable unemployment and net emigration. All sectors of the workforce took a decrease in income. Public employees, including teachers, accepted an approximate 10 percent cut in wages and salaries in 1993. As the economy recovered through the 1990s, wages and salaries gradually improved. Early in 2000, EI affiliate, Foroya Laerarafelag [FL], demanded that funds be appropriated to compensate teachers for a new school law which expanded the responsibilities and workload of teachers. The Finance Ministry agreed to a wage rise. There are outstanding issues in the new law which teachers oppose. Teachers on contract [one-third of the union's membership] took strike action in support of FL's stance. The majority of teachers are deemed by the Faroese government to be essential workers and are forbidden to strike.

FOOTNOTE 1- Faroe Islands is a self-governing overseas administrative division of Denmark.

FOOTNOTE 2 - The Danish government has responsibility for the archipelago's foreign affairs. It should not, however, be assumed Faroe Islands is automatically committed to Conventions and Treaties ratified by Denmark. Faroe Islands is not a member of the European Union.

EI member organisation / Membership:

felag [FL] / 710

Population < 15:	18%	% GNP spent on education:	7.5%
Illiteracy:	Negligible	Life expectancy at birth:	74m / 81f
Pre-primary gross enrolment:	45%	School life expectancy [years]:	15.4m / 16.5f
Net enrolment first level:	98%	% 1995 cohort reaching grade 5:	100%
Secondary gross enrolment:	110% <sup>m</sup> / 125% <sup>f</sup>	Tertiary students per 100,000:	4,418
Primary pupil teacher ratio:	18	% govt. expenditure on education:	12.2%

Child Risk Measure: less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Free and compulsory education consists of six years of primary schooling and three years of secondary schooling. Children normally start school at age seven because of the distances some pupils have to travel in sparsely settled areas. In 1998-99 nearly 600,000 pupils were enrolled in 4,203 primary schools. It is common practice for students to remain in school to age 18 and attend either three years of upper secondary school or take a vocational school programme in such disciplines as commerce, arts and crafts, domestic science, trade, agriculture and technology. Approximately 125,000 pupils were enrolled in early childhood programmes in 1998, with over 70 percent of six-year-olds attending pre-school classes. English is available from the third grade and nearly 100 percent of Finnish students take English as a second language. An additional foreign language of choice is compulsory at lower secondary school. Since the late 1970s primary and secondary school teachers have been obliged to have a university degree. Two art academies and eight of Finland's universities provide teacher education. The largest minority group, Swedish-speaking Finns, number about 250,000 and are entitled to receive schooling in Swedish. There are several Swedish language institutions of higher learning, and a number of professorial chairs at the University of Helsinki. The Indigenous Sami constitute about 0.1% of the population. Sami customs, culture and traditional way of life are constitutionally protected. A Presidential directive, implementing a European instruction, ensures that the Sami language is permitted in schools, the media, and dealings with administrative and judicial authorities, economic and commercial life and cultural activities. Finland has ratified ILO Convention 169, concerning Indigenous and Tribal Peoples. Finland's 7,000 or so Roma remain a marginalised group although there have been serious efforts to raise their educational level through vocational training schemes. Education at Finnish universities is free. There are ten universities and several art academies. Intense competition for admission to institutions of higher education has been relieved by the expansion and upgrading of the country's 34 polytechnics. Approximately one million adults receive some kind of instruction each year at Finland's extensive adult education programmes, consisting of folk high schools, folk academies, and workers' institutes. Adult education schools are operated privately or by municipalities or provinces and receive state subsidies.



**ACADEMIC FREEDOM:** The government respects academic freedom. Finland's tenure system protects faculty members from arbitrary dismissal. The autonomy of the University of Helsinki is specifically guaranteed by the 1919 Constitution.

**CHILD LABOUR:** Youths under 16 years of age cannot work more than six hours a day or at night. The Labour Ministry enforces child labour regulations. There are virtually no complaints of exploitation of children in the work force.

**TRADE UNION RIGHTS:** Workers are entitled to form and join unions and to strike. Complaint resolution is governed by collective bargaining agreements as well as labour law, both of which are adequately enforced. About 87 percent of the work force are unionised. The law grants public sector employees the right to strike. Within the education sector, 94 percent of teachers are employed as municipal civil servants. Upper secondary school teachers are local government officials. Following a period of economic recession, the decentralisation of responsibility for schooling to the municipal authorities led to teachers being temporarily laid off in order to save funds to enable the municipality concerned to balance its budget. As reported in the 1st edition of the Barometer, EI affiliate, Opetusalan Ammattijärjestö (OAJ), has campaigned against the practice and expressed concern that funds intended for education were being diverted to other uses. The central government also objected.

**EI member organisation / Membership:**

- Finnish Union of University Professors (FUUP) / 1,500
- Finnish Union of University Researchers and Teachers (FUURT) / 5,873
- Opetusalan Ammattijärjestö (OAJ) / 89,394

French Republic • Population: 58,978,172

SEE FOOTNOTE

Population < 15:	19%	% GNP spent on education:	6%
Illiteracy:	Negligible	Life expectancy at birth:	75m/83f
Pre-primary gross enrolment:	83%	School life expectancy [years]:	15.5
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	111%	Tertiary students per 100,000:	3,541
Primary pupil teacher ratio:	19	% govt. expenditure on education:	10.9%

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:

29
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**EDUCATION RIGHTS:** Public education is free and compulsory until age 16 and well funded. The state subsidizes private schools, including those that are church affiliated. Before age six, children may attend a well-developed network of early childhood education at the *écoles maternelles* or *classes enfantines*. Primary education is for children between the ages of six and 11. Secondary education is first given in the *collèges aux enfants* from ages of 11 to 15. Further secondary education is given in general, professional or technical *lycées*, leading to the national *baccalauréat* examination. In the autumn term, 1999, secondary school students conducted demonstrations for the second year running for better schools and more teachers. A number of regional languages are taught, including Breton, Basque, Catalan, Corsican and Occitan. Parents seeking full schooling in one of these languages have up until now had to enroll their children in a private school. In the future this option will be available in the public system. In the *départements* that border Germany [Alsace, Lorraine, and Moselle] a special effort has been made to provide teaching in the neighbouring language through intensive German and bilingual classes. These *départements* have another special status which is a consequence of the period, 1870-1918, when they were annexed to Germany. They are entitled to religious instruction of one hour per week intergrated into the official school timetable which is a departure from the secular nature of French society. From 1999-2000 it became compulsory to teach a foreign language to all pupils from the age of nine. Debate continues over whether to deny some Muslim girls the right to wear headscarves in public schools. The Government Commissioner recommended that the court repeal a 1999 exclusion order regarding a girl under age 10. Other decisions and orders have confused the issue. Approximately two million students are enrolled in higher education annually. Several of the large universities have been restructured into smaller units and the number of French universities increased from 23 to more than 70 – 13 are in Paris. As well as the universities there are a number of *grandes écoles*. These are prestigious institutions and have only a few hundred carefully selected students each. They groom the "governing elite," opening the way for their successful graduates to gain top civil service and professional positions.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Children under the age of 16 may not be employed excepting for those enrolled in certain apprenticeship programmes and in the entertainment industry. Those aged under 18 may not be employed in arduous work or any work between 10pm and 5am. The laws prohibiting child labour are effectively enforced by labour inspectors.

**TRADE UNION RIGHTS:** Although only about 10 percent of the workforce are unionised trade unions exercise significant economic and political influence. The level of unionisation in the education sector, despite having also declined since the 1970s, remains substantially higher, at 30 percent, than the national average. Minimum wages are established by government decree, but pay scales are determined by collective bargaining. Over 90 percent of the private sector workforce are covered by collective bargaining agreements. Workers, including civil servants, are free to strike. Twenty-five percent of all salaried employees work for the government. In 1999, a protest campaign about the level of resourcing and reform of the education system led to increased funding which was an improvement but which the education unions regard as still inadequate. The Constitution's provisions for trade union rights extend to the country's overseas territories and departments.

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**FOOTNOTE: RESPONSIBILITIES:** Department of Guiana (Population: 167,982), Department of Guadeloupe (Population: 420,943), Department of Martinique (Population: 411,539), Department of Reunion (Population: 720,934): Territorial Collectivity of Mayotte (Population: 104,714), Territorial Collectivity of St Pierre & Miquelon (Population: 6,896): Territory of French Polynesia (Population: 242,073), Territory of the Wallis and Futuna Islands (Population: 15,282), Territory of New Caledonia and Dependencies (Population: 197,361). The Constitution's provision for trade union rights extend to the country's overseas departments and territories. Mayotte, French Polynesia, Wallis & Futuna and New Caledonia determine their legal and political relationships to France by means of referenda. Life expectancy and literacy rates are comparable to metropolitan France except on Mayotte, Wallis & Futuna and Reunion where the rates are markedly inferior. The statistics, apply only to metropolitan France. SEE ALSO NEW CALEDONIA.

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**El member organisation / Membership:**

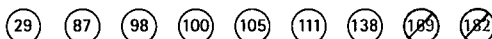
- Union Nationale des Syndicats Autonomes - Education (UNSA Education) / 135,221
- Fédération Formation et Enseignement Privés (FEP-CFDT) / 8,500
- Fédération Nationale de l'Enseignement, de la Culture et de la Formation Professionnelle Force Ouvrière (FNEC-FPFO) / 5,100
- Fédération des Syndicats Généraux de l'Education Nationale et de la Recherche (SGEN-CFDT) / 32,000
- Syndicat National des Chercheurs Scientifiques (SNCS) / 1,450
- Syndicat National de l'Education Physique (SNEP-FSU) / 5,000
- Syndicat National des Enseignements de Second Degré (SNES-FSU) / 77,421
- Syndicat National de l'Enseignement Technique (SNETAA) / 14,000
- Syndicat National de l'Enseignement Technique Agricole Public (SNETAP-FSU) / 2,500
- Institut National des Instituteurs, Professeurs des Ecoles et PEGC (SNUipp-FSU) / 50,000



Population < 15:	21%	% GNP spent on education:	5.2%
Illiteracy:	1%	Life expectancy at birth:	73
Pre-primary gross enrolment:	30%	School life expectancy [years]:	11
Net enrolment first level:	88% <sub>m</sub> / 91% <sub>f</sub>	% 1995 cohort reaching grade 5:	98%
Secondary gross enrolment:	77%	Tertiary students per 100,000:	3,149
Primary pupil teacher ratio:	18	% govt. expenditure on education:	6.9%

Child Risk Measure: 27 [reg.av. Central Asia: 41]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** An unstable political situation, civil war, a devastating earthquake, the collapse of the Georgian economy and hard social conditions affected badly the school system on all levels during the 1990s and education was seriously underfunded. Ethnic and civil strife in Abkhazia and the Tskhinvali region resulted in the internal displacement of more than 300,000 people and was a contributing factor in the mass emigration of Georgians to neighbouring countries and to Western Europe. Many children affected by displacement do not receive adequate schooling. A number of schools in both conflict regions were destroyed. No attempt has been made to recreate a social or educational infrastructure in the Tskhinvali region. Continuing hostilities in Abkhazia through 1998 and 1999 prevented tens of thousands of families from returning to their homes and towns. The EFA Report for Georgia acknowledged that Georgia's adult illiteracy will be affected by displacement, the growing number of disadvantaged families, and homeless children: orphanages, for example, are seriously affected by lack of resources, including education. The World Bank has granted \$US 60 million over ten year period and further help is forthcoming from other international organisations. The EFA Report considered problems other than funding. In 1998 there were 17,466 primary school teachers, 94 percent certified. However, the teacher-pupil ratio is unintentionally misleading. In the capital, Tbilisi, typical class sizes are 38-40 pupils but fall to as low as three or four children in some mountain villages. A majority of teachers at both primary and secondary levels are reported to be near retirement age and the profession is not attracting younger recruits in sufficient numbers to meet the future needs of the Republic. According to the Constitution, primary education is universal and compulsory. There was a major decline in the cohort reaching grade 5 during the height of the civil rebellions and due to mass emigration. By 1998 the retention rate improved to 98.1 percent. There are four state universities, and over 160,000 students enrolled in higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for employment of children is 16 years. Generally the laws are well respected and enforced. There are several thousand street children in Tbilisi and other urban centres

due to the inability of orphanages and the government to provide support. Street children increasingly survive by turning to criminal activity, narcotics and prostitution.

**TRADE UNION RIGHTS:** During 1999 the national trade union centre, the Amalgamated Trade Unions of Georgia [GTUA], supported public sector strikes by teachers and others in the public sector over the non-payment of salaries and non-payment of back pay. The GTUA itself, engaged in a protracted legal battle after a district court ruled that a bogus organisation, fronted by a former Soviet-era trade union official, was the legitimate successor to the Georgian S.S.R.'s trade union confederation. The court ordered the GTUA to hand over all its vital revenue producing property, and later froze its bank accounts. On appeal, the Supreme Court issued a stay of execution on the decision with regard to the GTUA's buildings and property. The government subsequently passed legislation which may prevent the Supreme Court from rehearing the case. At the end of 1999, Parliament changed the Constitution and abolished the Ministry of Labour. The GTUA was not consulted.

Population < 15:	15%	% GNP spent on education:	4.8%
Illiteracy:	Negligible	Life expectancy at birth:	74m / 80.5f
Pre-primary gross enrolment:	89%	School life expectancy [years]:	15.9
Net enrolment first level:	86.5%	% 1995 cohort reaching grade 5:	99.5%
Secondary gross enrolment:	104%	Tertiary students per 100,000:	2,603
Primary pupil teacher ratio:	17	% govt. expenditure on education:	9.6%

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Schooling is compulsory until the age of 16 and free between the ages of six and 18. Some textbooks and study materials are free and financial assistance and other forms of support are available in cases of hardship. Although the individual state governments control education, a permanent commission strives for a certain conformity in curriculum, requirements and standards. Early childhood education in Germany is enshrined in the concept of the kindergarten and can begin at three years of age. On completion of four years primary school [*Grundschule*], starting at age six, students are given extensive tests, the results of which largely determine their subsequent schooling. Almost half the students go on to a *Hauptschule* for five years. At age 15 or 16 they then undertake a three-year vocational training programme, which includes on-the-job experience plus classroom instruction at a *Berufsschule* (vocational school). Approximately one-fifth of the children who finish the *Grundschule* attend a *Realschule*, where they take a six-year course emphasising commercial and business subjects. After the *Realschule* these students may enter a two-year technical college (*Fachschule*) preparing them, typically, for careers in middle management and the civil service. Those students who wish to go to university attend the upper-secondary *Gymnasien* to prepare, after a nine-year programme, for the *Abitur* examination. Under reforms launched in the 1970s, the rigid distinctions between the three types of secondary schooling were loosened. There is a small but growing number of comprehensive schools, which offer all three programmes - vocational, commercial and academic. The integration of the education system of East Germany has complicated matters. The reorientation of primary and secondary school teachers to the standards and aims of the Republic remains an important concern. There is some provision for mother-tongue schooling for Danish, Friesian and Serb communities. In the Danish case there are reciprocal arrangements for the German community within Danish borders. Germany also has a very large immigrant and refugee population, which presents particular challenges to the education system. There are 860 schools of continuing education for adults, such as the *Volkshochschulen* (people's universities), and institutions providing extra mural studies. They enrol approximately 5.2 million adults annually. Forty four percent of secondary school graduates go on to some form of tertiary education. Easier access to university in recent years severely strained the resources of German universities

and lecture theatres and libraries are overburdened. The Federal Republic's response has been to create new universities and upgrade the status of other institutes to university rank. In 2000, Germany had approximately 100 universities and 200 institutions of equivalent status and a student population of over 2,144,000. Traditionally, it takes an average of seven years to complete a diploma course. New legislation has now added shorter bachelors' and masters' degrees.

**ACADEMIC FREEDOM:** The government respects academic freedom. Integration of the education system of the former Democratic Republic of Germany brought a host of problems, including at the university level. Many of the faculty of East Germany's universities were appointed taking into consideration a commitment in Marxism-Leninism or loyalty to the state. Upon unification, in numerous cases, their qualifications did not hold up to scrutiny by the federal authority. A similar problem applied to the status of some former East German universities. The federal authority and Ministers of Education in the revised Eastern states, on the other hand, were under great pressure to reconfirm existing tenure.

**CHILD LABOUR:** Federal law generally prohibits employment of children under the age of 15, with a few exceptions. Those aged 13 and 14 may do farm work for up to three hours per day or may deliver newspapers for up to two hours per day; those 13 to 14 years of age may take part in cultural performances, under controlled conditions. Amendments to the Criminal code have increased penalties for the possession and distribution of child pornography. The sexual abuse of children by German citizens abroad is punishable even if the action is not illegal in the child's own country. There is trafficking in underage girls for the purposes of forced prostitution and a federal Ministry heads an Interagency Working Group to combat this worst form of child labour and to aid the rehabilitation of its victims.

**TRADE UNION RIGHTS:** Public servants who have civil service status (which includes most teachers) cannot go on strike, irrespective of the function they exercise and the sector to which they belong. This restriction has been criticised by the ILO Committee of Experts since 1959, as well as by the ILO Committee on Freedom of Association. They have asked the Government to ensure full implementation of the rights recognised by Convention 87, including the right to strike. The Committee on Freedom of Association has also asked the Government to ensure that teachers with civil service status have the right to bargain collectively. In 1999 the federal government said that it had launched a pilot project with trade union support which aimed at extending participation rights.

El member organisation / Membership:

- Bundesverband der Lehrerinnen und Lehrer an Beruflichen Schulen (BLBS) / 12,000
- Gewerkschaft Erziehung und Wissenschaft (GEW) / 209,613
- Bund der Erzieher (VBE) / 90,000



Population < 15:	16%	% GNP spent on education:	3.5% [1999]
Illiteracy:	1.7% <sup>m</sup> /4.6% <sup>f</sup>	Life expectancy at birth:	76m/81f
Pre-primary gross enrolment:	64%	School life expectancy [years]:	14.8 [1999]
Net enrolment first level:	90%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	95.5%	Tertiary students per 100,000:	3,138
Primary pupil teacher ratio:	14	% govt. expenditure on education:	N/A

Child Risk Measure: 6 [reg.av. 6]

Ratification of ILO Conventions:

(29)

(87)

(98)

(100)

(105)

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(138)

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(182)

**EDUCATION RIGHTS:** Education is compulsory between the ages of six and 15, and free to university level. All villages and towns have primary schools, and many have secondary schools. The government provided incentives to encourage both Muslim and Orthodox teachers to reside and teach in isolated villages and in minority schools. However in August 1999, education reform legislation cancelled the programme of incentives for Orthodox educators teaching temporarily in minority schools. Teachers' Union representatives complained that the move would discourage Orthodox teachers from seeking such positions. The law change does not fit well with a government instituted and EU-funded programme for teaching Greek as a second language to Muslim children, primarily in the Greek-language schools, to improve their academic performance and chance of obtaining post-secondary education. Most of the Greek Muslim minority [officially estimated at 96,000] is ethnically Turkish or Turkophone. In the Western Thrace region there are both Koranic and secular Turkish-language schools. Many Greek Muslims identify with a Turkish cultural consciousness. While use of the term 'tourkos' ('Turk') is prohibited in titles of organisations, individuals may legally address themselves as tourkos. As reported in the 1st edition of the Barometer a group of Muslim teachers were each sentenced to eight months imprisonment in 1997 for using the term 'Turkish teachers of Western Thrace' in signing a union document. Their sentences were suspended pending appeal. The appeal was still not resolved in 2000. The Roma minority numbers about 250,000 and their illiteracy rate is about 80 percent. They are an itinerant population and the Ministry of Education established a system of identity cards designed to permit Roma students to change schools easily. The Ministry has also introduced programmes for teachers so they will be more sensitive to Roma problems and provides teaching materials more applicable or appealing to the Roma community's children. During January 1999, thousands of secondary school students, their teachers and trade union supporters, demonstrated to protest a government education reform that would require students to take examinations more frequently and in more subjects to gain admission to college. The student protests continued periodically throughout 1999, and included the occupation of some schools. Greece has 17 universities. Some are inadequately equipped and have serious shortages of staff. The Open University of Greece started in 1998 and there are also numerous technical institutions. Although some 60



percent of secondary school graduates receive tertiary education in Greece it is still common for Greek students to study abroad. There is a constitutional prohibition on private universities, but a number of 'university-type' institutions have developed, some of dubious quality. The law permits the Ministry of Education to reserve a certain number of places each year at universities and technical institutes for Muslim students.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for employment in the industrial sector is 15, with higher limits for certain activities. The minimum age is 12 for employment in family businesses, including theatres, the cinema, in agriculture, food services and merchandising. But even this law is not respected and often such concerns have family members under the age of 12 assisting them, at least part-time. Reports exist of child labour in the tannery sector. In recent years, the number of street children who sell or offer their services at city intersections on behalf of adult family members or for criminal gangs has increased. The Ministry of Public Order describes these children as Albanian, or 'other Balkan' or Roma. The government implemented measures to combat the problem: institutional placement for children up to 12 years, consultation with families, deportations of children in the 12 to 17 year age group. These harsh measures are not considered a long-term solution to the problem or to child prostitution which is a growing phenomenon, particularly in some parts of central Athens.

**TRADE UNION RIGHTS:** The Constitution and legislation provide for freedom of association. All workers with the exception of the military have the right to form and join unions. There are certain restrictions on the right to strike such as mandatory periods of notice. The right to organise and collective bargaining is respected in the private and public sectors.

EU member organisation / Membership:

- Greek Primary Teachers Federation (DOE) / 43,000
- Federation of Secondary Teachers of Greece (OIME) / 30,000
- Private School Teachers of Greece (OIELE) / 3,742



Population < 15:	17.4%	% GNP spent on education:	4.6%
Illiteracy:	<1%	Life expectancy at birth:	67m/76f
Pre-primary gross enrolment:	109%	School life expectancy [years]:	12.9
Net enrolment first level:	97%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	96m/99f	Tertiary students per 100,000:	1,903
Primary pupil teacher ratio:	11	% govt. expenditure on education:	N/A

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is compulsory to age 16. Primary education is free, and the government pays the bulk of the cost of secondary and higher education. The education system consists of general, or primary, schools, which comprise the first eight grades; secondary grammar schools for academic work; technical schools, and institutions of higher learning. Emphasis is placed on vocational training and on education in technical subjects. Religious schools receive support per child in the same way as public schools. The long-term objective is to make 12 years of schooling universally available. Roma constitute between five and nine percent of the population. They are a marginalised sub-culture and continue to suffer widespread discrimination in education. It is common practice for Roma children to be placed in remedial education programmes intended for students with mental disabilities or low academic performance. There are also numerous Roma segregated schools which are crowded, inadequately equipped, and in poor condition. Only 1.5 percent complete secondary school, and only one Roma in a thousand graduates from university or higher education. In July 1999, the government announced new programmes to assist Roma communities, with an emphasis on education. However, the programmes provide no additional funds or resources. In September 1999 the Government converted the family allowance into a school attendance allowance. The measure was seen as discriminatory by some Roma NGOs, partly because many live in remote areas without reasonable access to secondary schools. According to Amnesty International, asylum seekers may be detained for long periods. During detention periods their children receive no education. Germans, the second largest minority group, constitute about two percent of the population. Education is available in German and, to varying degrees, in almost all minority languages, including Slovak, Croat, Romanian, Polish, Greek, Serb, Slovene, Armenian, Russian and Bulgarian. Hungary has 17 public universities and 45 other institutions of higher education. Enrolments at tertiary level for the 18-22 age group increased from 14 percent in 1989 to 28 percent in 1999. Government policy is to gradually increase the ratio to about 50 percent.

**ACADEMIC FREEDOM:** The government generally respects academic freedom.

**CHILD LABOUR:** Employment is illegal below age 15. Although the country was once primarily a source for children trafficked for the purpose of forced prostitution, it is increasingly a transit and destination point as well.

**TRADE UNION RIGHTS:** The 1992 Labour Code recognised the right of workers to associate freely and to organise. Collective bargaining is permitted but it is not widespread and is actively discouraged in the private sector. With the exception of the military and the police, workers have the right to strike. A separate 1992 Code provides that public servants may negotiate working conditions but the final decision on increasing salaries rests with the government. The government proposes to make significant changes to the 1992 Code but has not sought genuine dialogue with the unions. The union movement considers the proposed changes undermine trade union and workers' rights, especially with regard to collective bargaining. The government also planned changes to the system of social dialogue. It abolished the principle of self-government of the health and pension social security scheme without prior discussion at tripartite level, and in violation of its election campaign manifesto.

**El member organisation / Membership:**

- Trade Union of Employees in Higher Education (FDSZ) / 5,900
- Teachers' Democratic Union of Hungary (PDOSZ) / 7,307
- Syndicat des Enseignants de Hongrie (SHE) / 203,000
- Trade Union of Scientific Workers (TODSZ) / 3,000



Population < 15:	23%	% GNP spent on education:	5.4%
Illiteracy:	Negligible	Life expectancy at birth:	77m/81f
Pre-primary gross enrolment:	80%	School life expectancy [years]:	14.7m/15.5f
Net enrolment first level:	98%	% 1995 cohort reaching grade 5:	99%
Secondary gross enrolment:	104%	Tertiary students per 100,000:	2,918
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	13.6%

#### Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is free and compulsory until the age of 16. About 85 percent of students continue beyond the 10th grade. Upper secondary school education is financed completely by the State. Religious instruction is given in all public schools, although students may be exempted. There are two universities: at Reykjavik and Akureyri and some 40 percent of school-leavers go to university. There are a number of technical, vocational, and specialised schools, including a teachers' training college.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Children under the age of 16 are prohibited from working in factories, on ships, or in other places that are hazardous or require hard labour. Children aged 14 and 15 may be employed part-time or during school vacations in light, non-hazardous work. Their work hours must not exceed the ordinary work hours of adults in the same occupation. The Occupational Safety and Health Administration effectively enforces child labour regulations. The European Committee for the Prevention of Torture has expressed concern that on the rare occasion when children aged 15-17 are sentenced to prison they serve their term with adult prisoners.

**TRADE UNION RIGHTS:** Workers make extensive use of the right to establish organisations, draw up their own constitutions and rules, choose their own leaders and policies, and publicise their views. The resulting organisations are controlled neither by the Government nor by any single political party. Unions take an active part in Nordic, European, and international trade union bodies. With the exception of workers in the public sector whose services are essential to public health or safety, unions have had and used the right to strike for many years. Some 80 percent of all eligible workers belong to unions. Virtually all unions exercise their right to bargain collectively. The current three year collective agreements were finalised in February 2000. In 1996 Parliament passed legislation updating the labour laws and bringing them into compliance with the European human rights convention.

#### El member organisation / Membership:

- Felag Islenskra Leikskólakennara (FIL) / 1,231
- Hid Islenska Kennarafelag (HIK) / 1,253
- Samband Islands (KI) / 4,400

Population < 15:	21%	% GNP spent on education:	6%
Illiteracy:	Negligible	Life expectancy at birth:	74m/79f
Pre-primary gross enrolment:	114%	School life expectancy [years]:	13.6m/14.2f
Net enrolment first level:	91% <sup>m</sup> /93% <sup>f</sup>	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	113% <sup>m</sup> /122% <sup>f</sup>	Tertiary students per 100,000:	3,702
Primary pupil teacher ratio:	22	% govt. expenditure on education:	N/A

Child Risk Measure: less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

## EDUCATION RIGHTS: Education is free and compulsory for children from the age of six to 16.

In practice, almost 100 percent of five-year-olds and 65 percent of four-year-olds are in primary school. There is no national system of pre-school education. Instead, the first two years of the eight-year primary school cycle constitute pre-school education. The primary education system has three dimensions all of which are publicly financed but are owned and managed by different groups. The vast majority of primary schools are owned by the Roman Catholic Church but are managed by representatives of the churches, and the local community, including parents and teachers. A minority of primary schools are owned by agencies representing the Irish language community or by an agency committed to non-denominational education. The boards of management of these schools are similar to those in the mainstream. Second level schools are also publicly financed and are owned by different agencies. Voluntary secondary schools account for 57 percent of all second level schools and are owned by the Catholic Church and other religious denominations. Vocational schools account for 32 percent of all second level schools and are owned by local educational authorities. Community and Comprehensive schools and colleges account for 11 percent of the total and are owned by the community which is represented by church authorities, local authorities, the local community, including parents and teachers. All secondary schools are required to have boards of management representing the schools' owners, teachers and parents. The Irish language is part of the curriculum in all government-subsidised schools, but fewer than 10,000 pupils speak it as their first language. Successive governments in recent years have pursued policies that have improved workers' qualifications and the education system. However, there are disadvantaged groups in Irish society. Travellers, a 25,000 strong itinerant community, roughly analogous to Roma, are widely discriminated against and despite national school rules that provide that no child may be refused admission on account of social position, Travellers experience difficulty enrolling their children. There are specific all Travellers centres and all Travellers classes in schools. EI's affiliates INTO, ASTI and TUI have been active in the development of provisions designed to make education more accessible and schools more welcoming for Travellers. Students with special educational needs, including those with disabilities and those who find the standard classroom insufficiently challenging, are not provided for

adequately. The 1998 Education Act provides that all students have a right to education with a minimum separation from their peers. In practice, low levels of investment in the provision of resources for students with special needs means that such students experience difficulties in acquiring mainstream education. There is a lack of qualified specialist teachers and a lack of back-up assistance, such as paramedical, diagnostic, assessment services, transport, or easily accessible buildings and facilities. Following ten years of unprecedented high economic growth, Ireland is for the first time attractive to economic migrants and refugees. For the first time its education system is beginning to address refugee and racism problems. There are universities in Dublin (3), Cork, Limerick and Galway. Ireland has five state-subsidised teachers' training colleges, various technical institutes, and a network of winter classes that provide agricultural instruction.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Under the terms of the Protection of Young Persons Act, effective 1997, employers may not employ those under 16 in a regular full-time job. Employers may hire 14 or 15 year olds for light work on school holidays, as part of an approved work experience or educational programme, or on a part-time basis during the school year [for children over the age of 15]. The Act gives effect to international rules drawn up by ILO and the EU. The Child Trafficking and Pornography Act 1988 strengthens measures to protect children from sexual exploitation, including any exchange of information on the internet that implies a child is available for sex.

**TRADE UNION RIGHTS:** Approximately 50 percent of the workforce are members of unions. Amongst teachers the unionisation rate is 90 percent. The right to strike is freely exercised in both the public and private sectors. Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact, negotiated every three years by the 'social partners' (unions, employers, farmers and government). EI affiliate, ASTI, has withdrawn from the three year plan which came into force in 2000. In 1998, the Employment Equality Act was amended outlawing discrimination in employment on the grounds of gender, marital or family status, sexual orientation, religious belief, age, disability, race and membership in the Traveller community.

EI member organisation / Membership:

- Association of Secondary Teachers (ASTI) / 16,000
- Irish Federation of University Teachers (IFUT) / 1,520
- Irish National Teachers' Organisation (INTO) / 28,330
- Union of Ireland (TUI) / 10,000

Population < 15:	28%	% GNP spent on education [2000]:	10.1%
Illiteracy [2000]:	1.8m/4.6%	Life expectancy at birth:	76m/80f
Pre-primary gross enrolment [2000]:	67%	School life expectancy [years]:	N/A
Net enrolment first level [2000]:	100%	% 1995 cohort reaching grade 5 [2000]:	100%
Secondary gross enrolment [2000]:	94%	Tertiary students per 100,000:	3,500
Primary pupil teacher ratio:	12.5	% govt. expenditure on education [2000]:	12%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is compulsory between the ages of five and 15 and free to age 18.

Students between the ages of 14 and 18 who have not completed compulsory schooling are obliged to attend special classes. Parents may choose among state lay education, state religious education or recognised intensely religious schools. The school syllabus includes radio and television lessons in both Hebrew and Arabic. A particular challenge for the education system is that of assisting Jewish immigrants of various backgrounds to adjust to Israeli society. Arab children make up a quarter of Israel's public school population. Israeli-Arab students are not eligible to participate in a special education programme to provide academic assistance to students from disadvantaged backgrounds. There are both secular and religious universities and they enrolled nearly 200,000 students in 2000. Relative to their numbers, Israeli Arabs are underrepresented in the student bodies and faculties of most universities. The Ministry of Education has assumed responsibility for education in the Golan Heights.

**ACADEMIC FREEDOM:** The government respects academic freedom which is protected by Israeli law.

**CHILD LABOUR:** Children who are 14 years old may be employed during official holidays. Employment of those 16 to 18 years of age is restricted to ensure time for rest and education. There are no reliable data on illegal child workers. They are concentrated among Israel's Arab population and its newest Jewish immigrants. Illegal employment is found primarily in urban, light-industrial areas. Children's rights activists estimate that there may be several hundred prostitutes among the nation's children, and they warn that the problem is unlikely to be eradicated until the social problems that give rise to it - including child abuse and schools that give up too readily on dropouts - are addressed.

**TRADE UNION RIGHTS:** Palestinians from the West Bank and Gaza Strip who work in Israel may not join Israeli trade unions or organise their own unions in Israel. They are entitled to protection under Israeli collective bargaining agreements, as well as some grievance procedures. They must pay

one percent of their wages to the Israeli national trade union centre, Histadrut. Israeli workers fully exercise their right to join and establish labour organisations and to organise and bargain collectively. The right to strike is restricted by a law which allows government or authorised ministries to pass emergency regulations 'to defend the country, public security and the supply of essential services.' The law does not define essential services and gives the authorities wide powers of discretion, although this can be challenged in court.

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FOOTNOTE: Authoritative 1998 statistics state that the population includes 166,000 Israeli settlers in 216 settlements in the West Bank, 19,000 in 42 settlements in the Israeli-occupied Golan Heights, 6,000 in 24 communities in the Gaza Strip, and about 176,000 in 29 communities in East Jerusalem. Approximately 20 percent of the citizens of Israel are non-Jewish, mostly Arab. SEE ALSO PALESTINE.

El member organisation / Membership:

- Association of Secondary School Teachers in Israel (ASSTI) / 17,900
- Teachers' Union (ITU) / 65,000



Population < 15:	14.3%	% GNP spent on education:	4.9%
Illiteracy:	1.2% <sup>m</sup> / 2.2% <sup>f</sup>	Life expectancy at birth:	75m/82f
Pre-primary gross enrolment:	99.7%	School life expectancy [years]:	N/A
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	99%
Secondary gross enrolment:	95%	Tertiary students per 100,000:	3,299
Primary pupil teacher ratio:	11	% govt. expenditure on education:	9.1%

Child Risk Measure: less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** As of the academic year 1999-2000, schooling is compulsory for children from age six to age 18. Those who are unable to follow the academic curriculum may shift to vocational training at age 15. This reform is intended to reverse the middle and secondary school dropout rate. About 95 percent of children receive some form of early childhood education, and 100 percent of six to 14 year olds attend formal education in primary and lower secondary schools. Public schools serve about 90 percent of the population. Children with disabilities are fully integrated in regular classes and benefit from the assistance of a specialised aid teacher. In 1998-1999, a specific four-year university course was introduced for teacher training. Secondary teachers must, on completion of a degree in the discipline they will teach, attend a two-year specialisation post-graduate course. Ninety-three percent of primary teachers and 72 percent of teachers in lower secondary schools are female. A decline in the Italian birth rate has had a significant impact on the education sector, with falling roles, especially at primary level, giving rise to a surplus of teachers in some areas and a competitive employment environment. Most universities are public. Public university fees are low, and enrolment is unrestricted for most students.

**ACADEMIC FREEDOM:** The Constitution guarantees the independence of the universities and provides for academic freedom. It is respected by the government and society. However, the law prohibits clandestine associations, and organisations that pursue political aims through force, that incite racial, ethnic or religious discrimination, or that advocate fascism.

**CHILD LABOUR:** A special unit in the Labour Inspectorate was created in 1997 to improve the investigation of child labour, which persists in the informal economy. A private institute, on behalf of the government, estimated up to 2,500 girls and boys work as street prostitutes. The trafficking of illegal immigrant children from Albania, Nigeria and Eastern Europe, for forced prostitution is also a problem. In August 1998, Parliament passed a law to combat paedophil-child pornography, possession of pornographic material involving children, sex tourism

involving children and trafficking in children. A recent immigration law provides shelter, benefits and services such as counseling and medical assistance and the discretionary issue of permits to work or study for victims who agree to cooperate in bringing offenders to court. As a result of these and related policies, significant increases in witness testimony and successful prosecution of traffickers have been reported. The government, employers and unions are parties to a 1999 charter which extends compulsory education, enforces school attendance, implements programmes to reduce drop-outs, provides extra assistance for needy families and further restricts exceptions to the minimum age law. It also extinguishes economic and administrative incentives for companies found to be making use of child labour, including abroad. The Prime Minister's office provides a toll-free number to report incidents of child labour. The footwear and textile industries have adopted a code of conduct that prohibits child labour. There are also specific restrictions on employment in hazardous or unhealthy occupations for males under age 18, and females under age 21.

**TRADE UNION RIGHTS:** The law provides for the right to establish, join and carry out union activities. The Constitution provides for the right of workers to organise and bargain collectively. By custom [though not by law], national collective bargaining agreements apply to all workers regardless of union affiliation. Some 40 percent of the workforce are unionised and belong to one or other of the three major trade union federations. The right to strike is embodied in the Constitution and is frequently exercised.

**El member organisation / Membership:**

- CISL-Scuola (CISL-S) / 15,000
- Sindacato Nazionale Autonomo Lavoratori Scuola (SNALS) / 165,000
- Sindacato Nazionale Scuola CGIL (SNS-CGIL) / 23,000
- Scuola (UIL-S) / 5,000

Population < 15:	17.8%	% GNP spent on education:	6.3%
Illiteracy:	Negligible	Life expectancy at birth:	64m/76.2f
Pre-primary gross enrolment:	45.6m/43.6%	School life expectancy [years]:	11.8m/12.5f
Net enrolment first level [2000]:	88.41%	% 1995 cohort reaching grade 5:	97%
Secondary gross enrolment [2000]:	98%	Tertiary students per 100,000 [1999]:	3,669
Primary pupil teacher ratio:	10	% govt. expenditure on education [1998]:	15.7%

Child Risk Measure: 8 [reg.av. 6]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** A nine year basic education programme begins at age seven. Latvian, mathematics, music, and visual arts subjects are taught throughout the primary period. Handicraft and general science topics are introduced at Grade 1, and English as the first foreign language starts at Grade 3. Progressively, from Grade 5, history, biology, geography, chemistry and physics are introduced into the curriculum. The final two years of primary schooling include such topics as health, home economics and ethics. After completing basic primary schooling, students may continue their education in either vocational or general secondary education. Latvians make up 52 percent of the population and there are three-quarters of a million ethnic Russians. The 1999 Law on Education tolerates bilingual education in Latvian and Russian at primary level but with the goal of a transition to Latvian only as the language of instruction in secondary schools by 2004. The problem of achieving the transition is compounded by a shortage of qualified Latvian-language teachers. According to the Law of Education, children who have not completed their basic schooling at age 16 may carry on until age 18, or they may opt to continue their education with one of several types of vocational programmes. General secondary education offers a variety of options and graduates have access to university or other institutions of higher education. Most state-funded university education is in Latvian. However there are several private institutions offering higher education in both Latvian and Russian. The majority of the country's 33 institutions of higher education are located in the capital, Riga, which disadvantages students from other areas as the existing hostels can cater to only a small proportion of applicants.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The statutory minimum age for the employment of children is 15 years. Students may be employed after school at certain light jobs starting at age 13, with parental agreement. Minors may not be employed on work which is hazardous or dangerous to their health or morality, and they may not be employed at night or overtime. The National Centre

for the Protection of the Rights of the Child is overseeing a four-year programme aimed at preventing the sexual exploitation of children. An estimated 15 percent of prostitutes are children and this worst form of child labour is often linked with organised crime. Trafficking in young girls for prostitution abroad is also increasing. The government participates in the Council of Baltic Sea States Task Force on Organised Crime, which is addressing the trafficking of persons.

**TRADE UNION RIGHTS:** About thirty percent of the workforce is organised. Current legislation does not limit the right to strike and workers may bargain collectively.

Population < 15:	20%	% GNP spent on education:	5.5%
Illiteracy:	Negligible	Life expectancy at birth:	70
Pre-primary gross enrolment:	40%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	99%
Secondary gross enrolment:	86%	Tertiary students per 100,000:	2,251
Primary pupil teacher ratio:	16	% govt. expenditure on education:	22.8%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Primary and secondary schooling is compulsory from age six until the age of 15. Teaching at state funded primary and secondary levels is in Lithuanian, which makes access to higher education harder for minorities, mainly Russians, Poles, Belarusians, Ukrainians, Tartars and Karaites. They make up roughly 20 percent of the country's citizens. The number of children in separate special schools has fallen substantially since independence as a result of stricter criteria for categorisation, and there has been an increase in the number of children with special needs who attend normal schools. Another positive development has been steps to ensure access to education for those with the severest disabilities, for whom there was previously no provision. Women's enrolment now exceeds that of men in some university departments and this has prompted university administrators to introduce preferential entrance criteria for men to redress what is perceived as an abnormal state of affairs.

**ACADEMIC FREEDOM:** Lithuanian universities are self-governing and have their autonomy guaranteed by law.

**CHILD LABOUR:** The legal minimum age for the employment of children without parental consent is 16 years. With the written consent of parents, it is 14 years. Trade union representatives assert that the mechanisms for monitoring minimum age legislation are rudimentary. Complaints about infringement of child labour regulations generally are referred to local prosecutors to investigate and take legal action to stop violations. Available evidence suggests that child labour in general is rare, but child prostitution, child pornography and trafficking in girls for the purpose of forced prostitution are problems. Recent changes to the Penal Code provides for imprisonment for exploiting children for the production of pornography and a 1998 law provides for criminal liability for persons who engage in trafficking for purposes of sexual abuse.

**TRADE UNION RIGHTS:** The Constitution and the 1991 Law on Trade Unions recognise the right of workers to form and join trade unions. Similarly the right to collective bargaining is legally provided for all but civil servants. In practice there are restrictions and loopholes in the law. There are serious restrictions on the right to strike.

El member organisation / Membership:  
 Teachers' Union (LWPS) / 2,900

Population < 15:	18%	% GNP spent on education:	4%
Illiteracy:	Negligible	Life expectancy at birth:	75m/81f
Pre-primary gross enrolment:	98%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	85% <sup>m</sup> /90% <sup>f</sup>	Tertiary students per 100,000:	640
Primary pupil teacher ratio:	15	% govt. expenditure on education:	N/A

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** The law requires school attendance from age four to 16. Schooling is free until the completion of the secondary level, and the Government provides some financial assistance for post-secondary education. German, French and English are widely taught in addition to Luxembourgish. There is no major university in the Grand Duchy and many Luxembourgers go to adjacent countries: Germany, France, and Belgium to obtain higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The law prohibits employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Adolescent workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labour and Education effectively monitor the enforcement of child labour and education laws. The government passed a comprehensive law in 1999 dealing with the sexual exploitation of children. The law contemplates this worst form of child labour in the Grand Duchy but also extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad.

**TRADE UNION RIGHTS:** About 57 percent of the workforce are unionised. The law provides for and protects collective bargaining. The Constitution provides all workers with the right to strike, except for government workers providing essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. Luxembourg is lax with its reporting obligations to the ILO.

EI member organisation / Membership:

- Association des Professeurs de l'Enseignement Secondaire et Supérieur (APESS) / 1012
- Syndicat Erziehung Wissenschaft (SEW) / 1,301
- at National des Enseignants (SNE) / 3,100



Population < 15:	23%	% GNP spent on education:	5.1%
Illiteracy:	N/A	Life expectancy at birth:	71m/75f
Pre-primary gross enrolment:	26%	School life expectancy [years]:	11.4
Net enrolment first level:	95%	% 1995 cohort reaching grade 5:	95%
Secondary gross enrolment:	63%	Tertiary students per 100,000:	1,557
Primary pupil teacher ratio:	19	% govt. expenditure on education:	20%

Child Risk Measure: 11 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (109) (182)

**EDUCATION RIGHTS:** Education is compulsory through to the eighth grade, or to the ages of 15 or 16. Since independence FYROM has embarked on a series of reforms in education, including a comprehensive revision of the curriculum. FYROM inherited a complex ethnic structure and has seriously attempted to accommodate the educational needs of its people. Two thirds of the population are ethnic Macedonians. Their language is related to the Slav group of languages but influenced by Greek and Turkish. It is written in the Cyrillic script with some modifications. Generally, Macedonian is the language of instruction in higher education. The Constitution provides for protection of the ethnic, cultural, linguistic and religious identity of minorities, including state support for education in minority languages. Primary schooling is available for the 80,000 Turkish population, the 40,000 Serbs and the smaller group of Romanian speaking Vlachs who reside in Krusevo. Roma, about two percent of the population, have historically experienced prejudicial treatment in education but in 1996 education in the Roma language was introduced as a pilot scheme. By far the largest minority, more than one-fifth of the population, are the Albanians. They are concentrated in the northwest, along the borders with Albania and Kosovo. The Albanian community has been vocal in charging discrimination in education. Almost all ethnic Macedonian-Albanian children receive eight years of education in Albanian-language schools. Still, less than 40 percent of Albanian primary students go on to high school, partly because of the lack of available classes in Albanian at the secondary level and partly because many rural families see no need to educate their children beyond the eighth grade. Primarily due to traditional and religious constraints at both primary and secondary level girls in some ethnic Albanian communities are underrepresented in schools. It is government policy to encourage ethnic minority students, especially girls, to enrol in secondary education. The Government's response to ethnic Albanian demands for greater access to higher education has been to ease admission requirements for minorities at the universities in Skopje and Bitola. This 'positive discrimination' policy is controversial in some quarters and has been interpreted as curtailing the opportunities of qualified Macedonian students to find university places. The number of ethnic Albanians enrolled at the universities was 4.1 percent in the 1999-2000 scholastic year. Albanian-language education at university level has only been available for students at Skopje

University's teacher training faculty. Plans were announced to extend further use of the Albanian language in higher education starting in 2000. The government allows a private ethnic Albanian-language University in Tetovo to operate without interference. However, it does not recognise the school's diplomas.

**ACADEMIC FREEDOM:** The government respects academic freedom. However, many ethnic Albanians claim that they do not have complete academic freedom. They want to see the currently unauthorised Albanian-language Tetovo University gain legal status.

**CHILD LABOUR:** The minimum age for employment of children is 15 years. Children may not legally work nights and may not work more than 40 hours per week. The trafficking of girls for prostitution and pornography is a problem.

**TRADE UNION RIGHTS:** The Constitution implicitly recognises employees' right to bargain collectively. Legislation in this area has yet to be passed by Parliament. In March 2001 EI sent a message of solidarity in support of EI affiliate, SONK, and its members. Furthermore, EI requested all teacher unions in the region to speak out against the violence and attempts to de-stabilise the FYR of Macedonia.

EI member organisation / Membership:

- Trade Union for Education, Science and Culture in the Republic of Macedonia [SONK] / 18,750



Population < 15:	20%	% GNP spent on education:	5.1%
Illiteracy:	9.4% <sup>m</sup> /8.3% <sup>f</sup>	Life expectancy at birth:	75.43 <sup>m</sup> /80.23 <sup>f</sup>
Pre-primary gross enrolment:	107%	School life expectancy [years]:	13.5 <sup>m</sup> /13.3 <sup>f</sup>
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	99%
Secondary gross enrolment:	86% <sup>m</sup> /82% <sup>f</sup>	Tertiary students per 100,000:	2,183
Primary pupil teacher ratio:	19	% govt. expenditure on education:	10.8%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is free and compulsory for children between the ages of five and 16 and is well funded. Most children attend early childhood classes from age three. The Government and the Roman Catholic Church participate in a foundation that finances Catholic schools. Approximately 30 percent of schools are run by the Church. There are also a number of fee-paying private schools. Students in government schools may opt out of instruction in Roman Catholicism. There is a school for the Muslim community. About 60 percent of students continue their education and training beyond the school minimum leaving age. The University of Malta [founded 1592] offers courses in most disciplines and has a prestigious medical school. The University is mainly financed by the State, but it has been developing links with banks and private companies. University students receive a monthly stipend and are given the opportunity to work during the summer vacation. The University has nearly 6,000 full-time students.

**ACADEMIC FREEDOM:** N/A

**CHILD LABOUR:** The law prohibits employment of children younger than age 16. This is generally respected, but there is some employment of underage children during summer months, especially as domestics, restaurant kitchen help, or vendors. The Department of Labour is lenient in cases of summer employment of underage children in businesses run by their families.

**TRADE UNION RIGHTS:** Workers have the right to associate freely and to strike. There are 35 registered trade unions, representing some 50 percent of the workforce. Workers are free, in law and practice, to organise and bargain collectively. Unions and employers meet annually with government representatives to work out a comprehensive agreement regulating industrial relations and income policy. Under the Industrial Relations Act, the responsible minister may refer labour disputes either to a government-appointed body consisting of government, employers and employee groups or to binding arbitration. The ILO Committee of Experts objects to a provision of the Act that permits compulsory arbitration to be held at the request of only one of the parties.

El member organisation / Membership:

of Teachers (MUT) / 3,503

Population < 15:	24%	% GNP spent on education:	10.6%
Illiteracy:	0.6%/2.3%	Life expectancy at birth:	68
Pre-primary gross enrolment:	46%/43%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	95%
Secondary gross enrolment:	79%/82%	Tertiary students per 100,000:	2,143
Primary pupil teacher ratio:	23	% govt. expenditure on education:	28.1%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Basic education comprises ten years of compulsory education. It consists of one year of preparation, four classes of primary schooling, and five years of secondary. Forty percent of children entering the preparation class at age six or seven have had some form of early childhood education. In 1998-99 there were 320,500 enrolled at the primary level and 420,200 at secondary school. This represented 96 percent and 92 percent of the respective school-age groups. After independence Moldova switched to the French-inspired Romanian education model, and the system invested in eliminating political doctrines, excessive centralism and paramilitary training and focused on curriculum changes, teaching, and replacement texts. There are ten institutions of higher learning, four of which were established after independence. In 1999, approximately 94,000 students were at university or other post-secondary institutions.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for unrestricted employment is 18 years. Employment of those aged 16 to 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. Child labour is not used in industry, although children living in rural areas sometimes assist in the agriculture sector. An estimated 1000 children are living on the streets of Chisinau and in other large urban areas. Trafficking in girls is a very serious problem. The government lacks legislation and the means to halt traffickers, who technically commit no crimes within the country. A local NGO has started a programme in public schools that will educate young women about the dangers of prostitution.

**TRADE UNION RIGHTS:** Virtually all employed adults are members of a union. Government workers do not have the right to strike. There were several labour actions during 1999 for payment of wage arrears, including strikes by teachers and health workers.

The government avoided more serious strike action when it pledged regular payments of salaries and pensions but was unable to eliminate all arrears by end of 1999.

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FOOTNOTE: Transnistria in the north of the country has a mixed Russian-Moldovan-Ukrainian population, and demands full independence: the region rejected autonomous status proposed by the 1994 Moldovan Constitution and declared itself the "Dnestr Moldavian Republic." Gagauzia, in the south of the country, has a predominately Turkophone Orthodox Christian population. The region has declared itself the "The Republic of Gagauzia." Statistics apply only to the Republic of Moldova.

Kingdom of the Netherlands • Population: 15,807,641

SEE FOOTNOTE

Population < 15:	18%	% GNP spent on education:	5.1%
Illiteracy:	Negligible	Life expectancy at birth:	75m/81f
Pre-primary gross enrolment:	100%	School life expectancy [years]:	16m/15.6f
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	141% <sup>m</sup> /134% <sup>f</sup>	Tertiary students per 100,000:	3,018
Primary pupil teacher ratio:	16	% govt. expenditure on education:	9.8%

Child Risk Measure: Less than 5 (reg.ov. 6)

Ratification of ILO Conventions:

29
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**EDUCATION RIGHTS:** In 1917, a constitutional amendment guaranteed equal, tax-paid financial support for both public and non-public schools. Today, about one-third of primary and secondary schools are public, municipal-run schools and about two-thirds are private, mostly denominational schools run by the Roman Catholic and Dutch Reform Churches. School attendance is compulsory for children from five to 16 years of age. Pupils attend a primary school for six years and then enter one of several types of secondary schools, which offer training for entering a university or other advanced institution or for pursuing a vocation. Instruction is in Dutch, except in Friesland, where classes are also taught in Friesian. Nearly half a million students attend colleges and universities or other tertiary level programmes. The Netherlands' 13 universities and 85 polytechnic institutions are all publicly financed. As is the Open University, established in 1984, which provides both university and vocational education through extra-mural courses.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for employment is 16 years, and for full-time work it is conditional on completion of the mandatory 10 years of schooling. Those still at school at the age of 16 may not work more than eight hours per week. Persons under the age of 18 are prohibited by law from working at night, overtime, or in areas dangerous to their physical or mental well being. The laws are effectively enforced. In the Netherlands' overseas territory of Aruba the law allows for several exemptions to the general prohibition on employment of children under 14 years. The Government has failed for several years to respond to the ILO's requests for information on measures taken to bring the law into line with Convention 138. Sex "tourism" involving the abuse of children by Dutch citizens is prosecutable irrespective of the laws of the country where the offence occurs. A new Act imposes much heavier penalties on prostitution activities with a child. In a major decision the Supreme Court has ruled that the mere possession of child pornography is a crime. The government also began a major offensive against child

pornography on the Internet. The government takes a lead in other aspects of the international campaign against child labour. The main labour federation and several NGOs started a campaign against the sale of products where there is reason to suspect they were made through child labour.

**TRADE UNION RIGHTS:** The right to organise and bargain collectively is recognised. About 25 percent of the workforce is unionised, but union negotiated collective bargaining agreements are usually extended to cover about three-quarters of the workforce. Industrial relations are generally harmonious and collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and employers. Freedom of association is fully respected in the Netherlands proper, but not to the same extent in the overseas territories. In the Netherlands Antilles and in Aruba penal codes limit the right to strike by public employees, including teachers in the private sector. The ILO Committee of Experts has asked the Government to repeal the law.

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FOOTNOTE: RESPONSIBILITIES: Netherlands Antilles [Pop. 211,093] and Aruba [Pop. 68,031] are constitutionally on a level of equality with metropolitan Netherlands. SEE ALSO CURAÇAO.



Kingdom of Norway • Population: 4,438,547

Population < 15:	20%	% GNP spent on education:	7.4%
Illiteracy:	Negligible	Life expectancy at birth:	76m/81f
Pre-primary gross enrolment:	101%m/106%f	School life expectancy [years]:	15.2m/16f
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	100%
Secondary gross enrolment:	121%m/116%f	Tertiary students per 100,000:	4,239
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	15.8%

Child Risk Measure: less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Compulsory education was established in Norway in 1827. Education is free and compulsory for ten years: children are normally in school from age six until the age of 16, with an optional 11th year. Changes made since the 1960s have reduced regional disparities and increased access for all social groups to the educational system. There are about 3340 primary schools, and some 810 secondary, vocational, and speciality schools. In recent years the Government has taken steps to protect the cultural rights of the Sami by providing Sami language instruction at schools in their area. Norway has ratified ILO Convention 169, concerning Indigenous and Tribal Peoples. Institutions of higher education in Norway have been expanded to accommodate the doubling of the student population that occurred between the early 1980s and mid-1990s. This was a period of recession and the promotion of continuing education was credited with minimising youth unemployment. There are ten colleges of university standing, including the Nordic College of Fisheries. Of the four universities in Oslo, Bergen, Trondheim and Tromsø, all but Oslo were established after the 2nd World war. Tertiary institutions have a combined enrolment of nearly 180,000 students.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Children 13 to 18 years of age may be employed part-time in light work that will not adversely affect their health, development or schooling. Minimum age rules are observed in practice and enforced by the Directorate of Labour Inspections.

**TRADE UNION RIGHTS:** Over sixty percent of an approximate labour force of two million is organised into unions. Collective bargaining is widespread with most wage earners covered by negotiated settlements. Under the law workers have the right to strike. The government has been criticised by the ILO Committee of Experts for resorting to compulsory arbitration prematurely during strike action.

El member organisation / Membership:

- Lærerforbundet / 38,165
- Norwegian Association of Research Workers (NARW) / 10,000
- Norsk Lærertag / Norwegian Union of Teachers (NL) / 69,054
- Sørlandsforbundet (SL) / 3,500

**Territories subject to the jurisdiction of the Palestinian Authority**  
**Population: 1,611,109 [West Bank], 1,112,654 [Gaza Strip]**

SEE FOOTNOTE 1

Population < 15:	52% [Gaza Strip], 45% [West Bank]	% GNP spent on education:	N/A
Illiteracy:	N/A	Life expectancy at birth:	71m/75f
Pre-primary gross enrolment:	49% [1999]	School life expectancy [years]:	N/A
Net enrolment first level:	97.5 [1999]	% 1995 cohort reaching grade 5:	100% [1999]
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	41 [1999]	% govt. expenditure on education:	N/A

Palestine is not a member of the ILO or the United Nations. SEE FOOTNOTE 2

**EDUCATION RIGHTS:** The Palestinian Authority provides compulsory education up to 12 years of age. Because of early marriage, girls frequently do not finish their compulsory schooling. Cultural restrictions sometimes prevent women from attending colleges and universities. The Authority operates 1,069 schools in the West Bank. There are 412,190 students and 18,000 teachers. In 1998-99, 823 early-childhood institutions catered for 77,173 children. West Bank schools have tended to follow the Jordanian curriculum and Gaza schools the Egyptian model. The Ministry of Education is constructing changes in direction, content and design. Al-Azhar University, Gaza, has 11,500 students and there are seven other institutions in the territories with university status.

**ACADEMIC FREEDOM:** The Palestine Authority controls the budgets of all public universities under its jurisdiction but they are described as independent institutions.

**CHILD LABOUR:** The minimum working age is 14 years. Many children under the age of 12 are engaged in some work activities. Most of this employment involves work on family farms, in family shops, or as urban street vendors. Some child labour is reported to occur in shoe and textile factories. The ILO and UNICEF are working with the Authority to study the nature and extent of the child labour problem and to develop methods to combat it where it exists.

**TRADE UNION RIGHTS:** The Palestinian Authority currently operates under Jordanian Law 21 of 1965. It permits workers to establish and join unions without government interference. Palestinian unions that seek to strike must submit to arbitration by the Ministry of Labour. There are no laws in the territories that specifically protect the rights of striking workers. In practice such workers have little or no protection from an employer's retribution. Collective bargaining is allowed. Teachers have a long-standing dispute. Their salary demands were met in 1998 after months of deliberations. The decision mandated a large and immediate salary increase but

implementation has been frozen since it was passed, and in the meantime teachers' salaries have eroded by some 22 percent. In last three years the proportion of the budget devoted to education dropped from 22 percent to about 16 percent. Teachers struck in February and May 1999 in protest of a new pension law that requires every public servant to make retroactive pension payments from the time he or she began working at rates ranging from two to 10 percent of their salary. The implementation of the pension law was frozen but the Authority refused to meet with teachers' representatives. Thousands of teachers have to supplement their income after teaching by taking such jobs as driving taxis, pumping gas, serving food and staffing bakery-ovens. Omar Assaf, one of three spokesmen appointed by the Supreme Co-ordinating Committee of the Striking Teachers was arrested on 5 May 1999. A different labour code applies to the Gaza Strip.

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FOOTNOTE 1: The UN Relief and Works Agency for Palestine Refugees in the Near East provides essential services, including education, to more than 3.6 million registered Palestine refugees. The West Bank and the Gaza Strip are now administered to varying extents by Israel and the Palestinian Authority. SEE ALSO ISRAEL.

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FOOTNOTE 2: The Authority has not indicated an intention regarding ratification of the UN Convention on the Rights of the Child.



Population < 15:	19.8%	% GNP spent on education:	7.5%
Illiteracy:	1%	Life expectancy at birth:	73
Pre-primary gross enrolment:	46%	School life expectancy [years]:	12.9
Net enrolment first level:	95%	% 1995 cohort reaching grade 5:	97%
Secondary gross enrolment:	98%	Tertiary students per 100,000:	1,865
Primary pupil teacher ratio:	15	% govt. expenditure on education:	24.8%

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is now compulsory until the age of 18 and free at public schools. There are over 650,000 teachers and a combined primary-secondary school enrolment of 7.5 million students. The number of certified primary teachers improved throughout the 1990s and reached 98 percent by 1999. A drop in the number of children in primary school from 5.3 million in 1990 to 4.7 million in 1999 reflects a decline in the Polish birth rate during the 1990s. On completion of the primary school programme about a quarter of the student population attend general secondary schools in preparation for college or university entrance. Other pupils attend vocational and technical schools that provide courses combining vocational and general education, or basic vocational schools which provide three-year courses. The Roman Catholic Church has been allowed to operate private schools since 1989. Catholic clergy receive salaries from the state budget for teaching religion in public schools. The teachers' Work Code provides legal immunity from prosecution for use of corporal punishment in classrooms; effectively there is no remedy for abuse by teachers. The Law of Education provides for the educational rights of ethnic minorities, including the right to be taught in their own language. Poland's bilateral treaties with Germany and Belarus contain provisions relating to the rights of those national minorities. There is a programme allowing pupils of Lithuanian descent to be taught Lithuanian in several schools in north-eastern Poland. The Roma community, numbering around 40,000, has been subject to educational experiments in some schools, with separate special classes for Roma children, on the grounds that because of economic disadvantage, language barriers, and parental illiteracy, Roma children are behind their non-Roma counterparts when starting school. Poland has a long history of higher education. There are 140 institutions of higher education; of these, 11 are universities, 12 are medical schools, and most of the remainder are specialised vocational colleges nearly all of which offer business-related courses. Higher education had a combined enrolment of about 720,000 students in 1999.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The law contains strict prescriptions about the conditions in which children may work. The Labour Code forbids the employment of persons under the age of 15. Those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age floor rises to 18 if a particular job might pose a health danger. The trafficking of girls for the purpose of prostitution is an increasing problem. There is a "market" for young girls, as young as 12 or 13, due to the perception that younger prostitutes are less likely to have sexually transmitted diseases. According to the NGO, La Strada, in some cases girls have been murdered for resisting traffickers demands. There are no government assistance programmes or shelter to assist victims of trafficking.

**TRADE UNION RIGHTS:** The law provides that all civilian workers have the right to establish and join trade unions of their own choosing. Since its formation in early 1994, the Tripartite Commission has become the main forum that determines national-level wage and benefit increases in such politically sensitive areas as the so-called budget sector [health, education, and public employees], while rendering opinions on pension indexations, energy pricing, and other important aspects of social policy. The Commission serves as an important forum by which the social partners air differences, discuss grievances, and often negotiate agreements before problems erupt into social conflict. A new Civil Service Act permits senior officials to be elected to trade union office. The ILO had requested the law change. The government also responded to an ILO request to amend the law on collective bargaining and introduce criteria for union representativeness at enterprise level. However, sanctions provided for in the law against acts of anti-union discrimination are not sufficiently dissuasive.

EU member organisation / Membership:

- National Science Section NSZZ 'Solidarnosc' / 24,932
- National Education Section NSZZ 'Solidarnosc' / 70,000

Population < 15:	17%	% GNP spent on education:	5.8%
Illiteracy:	Negligible	Life expectancy at birth:	73m/79f
Pre-primary gross enrolment:	61%	School life expectancy [years]:	14.5
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	106% <sup>m</sup> /116% <sup>f</sup>	Tertiary students per 100,000:	3,242
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (182)

**EDUCATION RIGHTS:** Only in the mid-1960s did Portugal make public education available universally at the primary level. As recently as 1990, illiteracy was reported to be 15 percent. It was negligible in 2000. Nine years of education is compulsory. Primary education [age six to 12] and junior secondary school [age 13 to 15] are free. Senior secondary school is for those aged 16 to 17. During the last three years Portugal has developed early childhood education, providing additional resources, and more teachers. Attendance at an early childhood programme is now a prerequisite to first grade enrolment at primary school. There remains a serious gap between available places and number of children seeking admission. The number of children enrolled in pre-school education for the 1999-2000 school year increased to 220,000. This did not reach the government's target to provide early childhood education for 60 to 70 percent of three to four year olds and 90 percent of five year-olds by the year 2000. There are five long established universities, including the University of Coimbra, founded in 1290, and eight new universities, including one in the Azores, and numerous other institutions of higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom and the 1976 Constitution guarantees the autonomy of the universities.

**CHILD LABOUR:** The minimum working age is 16 years but child labour is a problem. Improved Labour inspection, plus changes in technology which call for a more skilled workforce have reduced child labour in the last decade and the number of cases of illegal employment of children reported has been halved over the last four years. The instances of child labour tend to be concentrated geographically and sectorally. Illegal child labour persists in the northern cities of Braga, Aveiro and Porto, and occurs particularly in the clothing, footwear, construction and hotel industries. A survey conducted by government and the ILO in October 1998, found that between 20,000 and 40,000 children under the age of 16 are in the workforce. The majority assist on family farms and attend school but some 11,000 may be working for non-family employers. Child labour in the home remains an acknowledged problem and child labour among migrant agricul-

tural workers appears to be facilitated by parents. The various authorities believe that a public education campaign is needed as well as enforcement in fighting child labour. The Children's Rights Commission implements the principles of the UN Convention on the Rights of the Child. The Commission convenes under the office of the High Commissioner for the Promotion of Equality and Family and includes representatives of the Ministries of Justice, Health, Education, and Solidarity, as well as leading NGOs. The Institute for the Support of Children, co-ordinates a network of 48 NGOs dedicated to helping at-risk and exploited children, including street children. The Ministry of Education has allocated funding to alternative education programmes for students at-risk of dropping out of school and for children found to be in the workforce.

**TRADE UNION RIGHTS:** Workers in both the private and public sectors have the right to associate freely and to establish committees in the workplace. Strikes are permitted, including for political causes. The law requires a 'minimum level of service' to be provided during strikes in essential sectors, but this requirement has been infrequently applied. Unions are free to organise and collective bargaining is practised extensively in the public and private sectors.

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FOOTNOTE: RESPONSIBILITIES: The Azores Islands [Pop. 240,000], and the Madeira Islands [Pop. 265,000], both of which are autonomous regions.

El member organisation / Membership:

- Federação Nacional dos Professores [FENPROF] / 63,527
- Federação Nacional dos Sindicatos da Educação [FNE] / 52,070
- Associação Democrática Professores [SINDEP] / 10,000

Population < 15:	18.6%	% GNP spent on education:	3.6%
Illiteracy:	1.1% <sup>m</sup> /3.3% <sup>f</sup>	Life expectancy at birth:	67m/75f
Pre-primary gross enrolment:	53%	School life expectancy [years]:	11.6
Net enrolment first level:	95%	% 1995 cohort reaching grade 5:	95%
Secondary gross enrolment:	78%	Tertiary students per 100,000:	1,819
Primary pupil teacher ratio:	20	% govt. expenditure on education:	10.5%

Child Risk Measure: 6 [reg.ov. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Primary education is free and compulsory between the ages of six and 16.

However, one in five children is not enrolled at primary school. There are five types of secondary schooling available; vocational schools, which emphasise technical training; art schools, which provide general education with an emphasis on art and music; physical education schools, which provide general education with an emphasis on physical fitness and training; and teacher-training schools. At a national level the state aims, according to the EFA 2000 Report, to integrate disabled children and children with special needs into the regular education system. The aim is for 20 percent of disabled pupils to be integrated by 2002 and 50 percent by 2005. The government estimates the Roma population as 400,000 but the European Commission estimates it to be 1.5 million. Only 50 percent of Roma children aged seven to 10 years attend school regularly, and one-third never attend or dropout of school completely. Ethnic Hungarians, numbering more than 1.6 million, constitute a large and vocal minority. A government decree on Hungarian-language education was enacted and went into force in 1999. The decree permits students in public primary and secondary schools to be taught in their own language. Academic education was seriously repressed under the Communist regime. Enrolment in this form of education rose from less than five percent in 1989 to almost 20 percent in 1996. However, overall enrolment appears to have fallen in Romania, despite the large rise in general secondary schooling, because of the decline in vocational and technical programmes. Romania has eight universities, eight technical faculties and a number of other institutions of higher education. They have a combined enrolment in excess of 412,000.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Forty three percent of population lives in poverty and 21 percent are indigent.

There are a large number of destitute and apparently homeless children on the streets of the large cities. The sexual exploitation of children in child pornography, child prostitution, and related worst forms of child labour, is a serious problem. Romania is both a source and a transit coun-

try for trafficking in girls. The minimum age for employment is 16 years but children as young as 14 or 15 may work with the consent of their guardians. Working children under the age of 16 are entitled to continue their education and the law obliges employers to assist in this regard. About eight percent of the country's seven to 15 year olds work, with one in seven of working children reportedly employed for more than four hours a day. The importance of agriculture in much of the region suggests that there may be a substantial amount of unmeasured child labour in the form of unpaid work on family plots.

**TRADE UNION RIGHTS:** The 1991 legislation governing labour relations does not meet ILO standards in a number of respects. All workers except public employees have the right to form and join unions and engage in collective bargaining. However, loopholes in the law have allowed some employers to ban unions from their enterprises. There have been some improvements in strike legislation since the 1st edition of the Barometer, but trade union rights violations continued in practice. During 1999 there were numerous strikes in protest at the deteriorating economic situation and unpaid wages. The tripartite Social and Economic Council, and a tripartite body for education and training were finally set-up after a nine-year wait. Unions have sought a new Labour Code, but the Ministry of Labour and Social Protection drafted the code without consultation. The draft was withdrawn after unions protested that many provisions would hamper and limit trade union rights. During 2000, there were substantiated reports over violations of the right of collective bargaining, arbitrary changes in wages and indemnities already negotiated as well as other arbitrary modifications of collective agreements. The teaching sector is considered as essential to the national interest. One third of normal activity must be maintained during a strike.

Population < 15:	19%	% GNP spent on education:	3.5%
Illiteracy:	Negligible	Life expectancy at birth:	59m/72f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	93%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	3,006
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 11 [reg.ov. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Early childhood education is well developed and a majority of children, some 4.7 million, attend one of the 60,300 pre-school institutions. Free compulsory schooling begins at age seven and lasts for at least eight years. A majority of students receive ten years education. There are currently 74,000 public primary and secondary schools with a combined enrolment of 25 million students. There are a large number of minorities within Russia and a wide range of responses to their educational needs. Minorities have been severely affected by programmes of past decades aimed at their Russification. While federal law entitles all children to education, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential status. Orphaned children who are categorised as 'slow' or mentally retarded are frequently institutionalised for life. Misdiagnosis, however, is not uncommon. Even orphans who are classified as 'normal' face a bleak future, as they may lack social, educational and vocational skills to function in society. Of those who are released from orphanages at 18 years of age, 30 percent become vagrants, 10 percent become involved in crime, and 10 percent commit suicide. Admission to higher education is selective and highly competitive. Some secondary schools in Russia have special agreements with universities, giving their pupils preferential access. Russia has 880 institutions of higher learning, accommodating over four and a half million students annually. The system is seriously underfunded and many institutions have cut back on staff and research. Many faculty members rely on extramural income.

**ACADEMIC FREEDOM:** Although the government generally respects academic freedom there are credible accounts of university based environmental and ecological researchers and activists being harrassed by authorities, especially when the subject relates to sensitive issues such as radioactive contamination.

**CHILD LABOUR:** The Labour Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning

dangerous, night time and overtime work. Children may, under certain specific conditions, work in apprenticeship or internship programmes at the ages of 14 and 15. An ILO study surveyed children in the nine to 15 age group and found that the average age at which employment had first been undertaken was 12.5 years. Over half the children in the study were working regularly. A substantial portion was employed every day, including school days. Twenty-five percent of these children were working more than 20 hours per week. According to the Ministry of the Interior there are approximately one million homeless children on the streets. Other government estimates put the figure much higher, at between two and four million. Trafficking in young girls by Russian organised crime is recognised as a problem but there are no accurate estimates of its scope. The UN Committee on the Rights of the Child has expressed concern at the use of under 18 year olds in the armed forces.

**TRADE UNION RIGHTS:** During 1999 the government acted to pay public sector employees' salaries and wages on a regular basis. Consequently, strike action motivated by non-payment of wages and wage arrears was down on that reported in the 1998 edition of the EI Barometer. Nonetheless, non-payment of wages continues to be the most widespread abuse of the Labour Code. Wages arrears, which were generally between three and nine months, and up to 18 months in some rural areas, were of direct concern to teachers and EI affiliate ESEUR promoted a nationwide strike in January 1999 and periodic strike action throughout the year. Teachers and their union were also concerned that payments to government employees have not been indexed to account for the devaluation of the ruble.



Population < 15:	20%	% GNP spent on education:	5%
Illiteracy:	N/A	Life expectancy at birth:	70m/77f
Pre-primary gross enrolment:	76%	School life expectancy [years]:	N/A
Net enrolment first level:	100% [2000]	% 1995 cohort reaching grade 5:	96%
Secondary gross enrolment:	92% <i>m</i> /96% <i>f</i>	Tertiary students per 100,000:	2,075 [2000]
Primary pupil teacher ratio:	16.4 [2000]	% govt. expenditure on education:	15.2% [2000]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Compulsory education begins usually at age six and, typically, lasts to the end of that school year when a student is 16 years. Primary education takes nine years to complete. There are a total of 2,484 public and private primary schools. The rate of public expenditure on primary education decreased in last years of the 20th Century. After completing primary school, students may choose between three types of secondary education: vocational or technical schools, schools of general education, or teacher-training institutes. The largest ethnic minority in Slovakia is Hungarian [570,000]. The Constitution provides for the Hungarian and other minorities to develop their own culture and receive information and education in their mother tongue. Tensions, however, between Slovaks and Hungarians were high during the Meclar regime after that government reneged on an undertaking to pass a law codifying the use of minority languages. Relations with the Hungarian community improved since the Party of the Hungarian Coalition joined a new government in 1998. Slovakia has a poor record in its treatment of the second largest minority, Roma, who make up about 10 percent of the population. The compulsory schooling requirement is not strictly applied to Roma children. They are often placed in special schools for the intellectually disabled. In many cases this is due to their insufficient knowledge of the Slovak language. In 1999 the government initiated special projects aimed at improving the treatment of Roma in education. Issues on drug abuse prevention and AIDS prevention have become part of curricula in schools. Slovakia has 14 institutions of higher education with a combined enrolment of 101,000 students.

**ACADEMIC FREEDOM:** The 1st edition of the Barometer reported that the Meclar led government had taken steps to divert budgetary funds to newly created universities perceived to be more sympathetic to the regime than the long established universities. The current government reversed restrictions imposed by its predecessor and no longer intervenes in the administration and funding of institutions of higher education, nor does it approve all professors' appointments.

than 33 hours a week; may not be compensated on a piecework basis; may not work overtime or night shifts; and may not work underground or in specified conditions deemed dangerous to their health or safety. Special conditions and protection, though somewhat less stringent, apply to young workers up to the age of 18. Trafficking in girls for the purpose of forced prostitution is a problem. The country is a source, transit point and a destination for victims of trafficking.

**TRADE UNION RIGHTS:** Approximately 65 percent of the education sector is organised which is substantially higher than for the workforce as a whole. The previous government imposed wage regulations which met with protests from both employers and unions. There were also reports that public service employees and some in the private sector were pressured to join pro-government unions. The implication was that refusal to join would put a worker's job in jeopardy. In 1999, under the new government, tripartite discussions took place to prepare new industrial relations legislation and to amend the collective bargaining law. In November 1999, about 87 percent of schools joined a 1-hour strike-alert sponsored by EI affiliate, OZPSaV, to protest the failure of government to implement education policies agreed to and approved by parliament.

EI member organisation / Membership:

- Trade Union of Workers in Education and Science (OZPSaV) / 85,000
- Forum of Slovakia (TFS/UFS) / 32,000

Population < 15:	16%	% GNP spent on education:	5.7%
Illiteracy:	Negligible	Life expectancy at birth:	74
Pre-primary gross enrolment:	61%	School life expectancy [years]:	N/A
Net enrolment first level:	95%	% 1995 cohort reaching grade 5:	100%
Secondary gross enrolment:	92%	Tertiary students per 100,000:	2,657
Primary pupil teacher ratio:	14	% govt. expenditure on education:	12.6%

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Free, compulsory education is provided to age 15 and standards are high.

The Slovene government requires that all children receive eight years of primary education and four years of secondary education. Although not obligatory by law, most students receive post secondary or higher levels of education. There are two institutions with university status, including the University of Ljubljana, and 28 other institutions of higher education. They have a combined student enrolment of 52,000. Slovenia has successfully introduced a new school-leaving examination. Examinations are offered in 33 subjects and two languages [Slovene and Italian] and the universities accept the results as the sole basis for selection. The Constitution provides special rights for the small Italian and Hungarian ethnic communities, including the right to use their own national symbols and enjoy bilingual education. The Constitution also provides for special status and rights for the small Roma community. A suggestion of special schools for Roma has been opposed by EI affiliate, ESWUS. Slovenia has taken clear steps to integrate children with special needs into normal schools and regular classrooms.

**ACADEMIC FREEDOM:** The Constitution provides for the autonomy of Slovenia's two universities and at other institutions of higher education and the government respects academic freedom in practice.

**CHILD LABOUR:** The minimum age for employment is 16 years. Children must remain in school until the age of 15. During harvest or for other farm work, younger children do work. In general, urban employers respect the age limits.

**TRADE UNION RIGHTS:** The Constitution stipulates that trade unions, their operation, and their membership shall be free and provides for the right to strike. In 1993 the National Assembly for the first time passed legislation restricting strikes by some public sector employees. However, after government budget-cutting, some public sector professionals [judges, doctors, and educators] became increasingly active on the labour front.

EI member organisation / Membership:

Scientific Workers Union of Slovenia [ESWUS] / 35,000

Kingdom of Spain • Population: 40,000,000

SEE FOOTNOTE

Population < 15:	15%	% GNP spent on education [2000]:	4.7%*
Illiteracy:	1.6m/3.7%f	Life expectancy at birth:	74m/82f
Pre-primary gross enrolment:	74%	School life expectancy [years]:	14.6m/15.7f
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	116%g/123%f	Tertiary students per 100,000:	4,254
Primary pupil teacher ratio:	17	% govt. expenditure on education [1998]:	9.6%

\*Ministry of Education only

Child Risk Measure: Less than 5. [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education in Spain is well funded and free until age 18. The school system includes pre-school [for children aged three to five], primary [ages six to 12] and compulsory secondary school from ages 13 to 16. Students may continue their studies either in upper-secondary or vocational schools. Religious instruction in the Roman Catholic Faith is offered in public schools but is voluntary. Although the 1978 Constitution disestablished the Catholic Church, Catholic schools, receive substantial subsidies from the state. They are subject to government control. The official language of the state is Spanish, but other languages are accepted as official at a regional level: Euskera [in the Basque region], Catalan and Galician. Migrants, including illegal migrants, number between one and two million, and have come in a single generation. They have been difficult to absorb into the education system. Roma, who number as many as one million, continue to suffer discrimination and segregation in the general school system. A Roma NGO estimates that 50 percent are under 16 years of age and two-thirds are under the age of 25. Only 35 percent are fully integrated into the educational system. Sixty percent do not complete a primary education. Roma parents, 80 percent of whom are illiterate, tend to discount the value of education. A majority of Spanish university graduates are women.

**ACADEMIC FREEDOM:** The government respects academic freedom at the country's 59 universities, which includes the University of Salamanca, founded in 1218. Since reforms passed in the 1980s, universities have drawn up their own statutes and elect their own governing bodies.

**CHILD LABOUR:** The statutory minimum age for the employment of children is 16 years. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The minimum age is generally enforced effectively in the service sector and in major industries. Some child labour is employed in factories for half the adult wage. Small sub-contracting businesses, in particular in the shoe industry, are known to use child labour. Some children work in family businesses, for no pay, as well as going to school. This includes work in shops, bars, agricultural jobs, street markets, selling, and cleaning car windows

at traffic lights. Others work on the streets, cleaning shoes, selling, collecting cardboard and refuse, and begging. A number of children are engaged in prostitution and related worst forms of child labour.

**TRADE UNION RIGHTS:** All workers, except officers of the courts and those in the military, are entitled to form and join unions of their choice. The independence of unions and their right to organise and strike are respected. There are two major trade union confederations in Spain. They legally represent more than 80 percent of workforce. There are also a number of regional unions, such as in the Basque region. Collective bargaining agreements are common in both public and private sectors.

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FOOTNOTE: RESPONSIBILITIES - The community of the Balearic archipelago, in the Mediterranean, [Population 796,483] and the two communities of the Canary Islands, in the Atlantic Ocean, [Population: 1,534,000] have an autonomous status identical to provinces in mainland Spain. Spain administers the last two European colonial remnants in Africa: the tiny enclaves of Ceuta [Population: 70,000] and Melilla [population: 60,000], on Morocco's Mediterranean coast. The enclaves gained limited autonomy in 1994.

**El member organisation / Membership:**

- Federación de Trabajadores de la Enseñanza de la UGT [FETE/UGT] / 40,000
- Federación de Enseñanza C.C.OO [F.E.CC.OO] / 27,132
- Federación de la Enseñanza del Sindicato ELA/STC [IFE/ELA] / 2,005
- Confederación Intersindical Galega [CIG-ENSINO] / 1,000
- Unión de Sindicatos de Trabajadores de la Enseñanza [STEs] / 12,000

Population < 15:	18.5%	% GNP spent on education [1998]:	7.8%
Illiteracy:	Negligible	Life expectancy at birth:	77m/82f
Pre-primary gross enrolment:	71% <sup>m</sup> /74% <sup>f</sup>	School life expectancy [years] [1998]:	16.6
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	98%
Secondary gross enrolment:	128% <sup>m</sup> /153% <sup>f</sup>	Tertiary students per 100,000:	3,770
Primary pupil teacher ratio [1999]:	8	% govt. expenditure on education [2000]:	8%

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Free, compulsory, universal education is provided for all children for nine years. The costs of transportation, books and lunches are also met. From infancy the Swedish system provides well-developed pre-school programmes. Children are entitled to enrol and begin the basic Grade 1 curriculum earlier than the compulsory starting school-age. There are also state subsidised family day care centres and 'open' early childhood centres [for part- or full-time attendance on an non-enrolment/drop-in basis] as well as leisure centres for after-school activities. Adult education in Sweden is extensive. In recent years, major changes have been made to the administration of education with substantial decentralisation of responsibilities for all aspects including staff pay and conditions to municipal authorities within a nationally determined framework. There are between 17,000 and 30,000 Sami in Sweden. They continue a protracted struggle for recognition as an Indigenous people. The right to education in their native language was only allowed when a law passed in 1977 for immigrant group children forced the government to grant Sami at least equal treatment. Sami children can now receive education in their own Sami schools. This education corresponds to the first six years of compulsory primary schooling. Sami children as well as all immigrant and refugee pupils are entitled to tuition in their first language as a school subject. The government has considered ILO Convention 169, Concerning Indigenous and Tribal Peoples, and concluded that the country could ratify the Convention but that this should not be done until a number of steps relating to Sami land rights are first taken. Sweden has 52 institutions of higher learning, which together are attended annually by about 275,800 students. Another 176,500 attend institutions administered by municipal governments, principally 'people's colleges' providing adult education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Compulsory nine-year education ends at age 16, and the law permits full-time employment at that age under supervision of local authorities. Employees under age 18 may work only during daytime and under supervision. During summer and other vacation periods,

children as young as 13 years may work part-time or in 'light' work with parental permission. Union representatives, police and public prosecutors effectively enforce this restriction. Sweden actively supports efforts to protect and improve children's rights. A new law criminalising the possession and handling of child pornography came into effect in 1999. It is also illegal to publish or distribute such material.

**TRADE UNION RIGHTS:** Some 82.5 percent of the approximate 4.7 million workforce is unionised – the largest percentage of unionised workers of any industrial nation. Most business owners belong to counterpart employer organisations. The law protects the freedom of workers to associate and to strike, as well as for employers to organise and to conduct lockouts. The law provides both workers and employers with effective mechanisms for resolving complaints.

**El member organisation / Membership:**

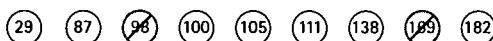
- Lärarförbundet / Swedish Teachers' Union / 176,812
- Lärarnas Riksförbund / National Union of Teachers in Sweden (LR) / 52,063
- Svenska Folkhögskolans Lärarförbund (SFHL) / 2,254
- Association of University Teachers (SULF) / 11,000



Population < 15:	17.2%	% GNP spent on education:	5.4%
Illiteracy:	<1%	Life expectancy at birth:	76m/82f
Pre-primary gross enrolment:	95%	School life expectancy [years]:	14.7m/13.5f
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	2,072
Primary pupil teacher ratio:	12	% govt. expenditure on education:	15.4%

Child Risk Measure: less than 5 [reg.av. 6]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** The Swiss Constitution of 1848 provided for free and compulsory education. Under the Constitution of 1874, as amended in 1902, the federal government confined its efforts to higher education. The Cantons were required to establish free, compulsory primary schools with subsidies, but without control, from federal government. These schools are taught in the local official language, but students may also study as a specific subject the other national languages. The German speaking Zurich Canton recently opted for English to be taught as the second language. Most Cantons provide lower secondary schools for youths aged 12 to 15, gymnasiums [upper secondary schools], and teacher-training institutes, in addition to various institutions of higher learning and special schools. Although Switzerland ratified the Convention on the Rights of the Child in 1997, it did so with reservations. Children of migrant seasonal workers ["guest workers"] are not automatically entitled to accompany their parents and may be issued only with three-month tourist visas. Religion is taught in public schools, but students may be excused from such classes. As a follow-up to the Beijing Conference on Women, 1995, the federal government devised an action plan which calls, in part, for financial support for child care facilities at colleges and universities to enable a larger number of women to obtain a higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for employment of children is 15 years, and children are in school up to this age. Children over 13 years old may be employed in light duties for not more than nine hours a week during the school year and 15 hours otherwise. The employment of young people between the ages of 15 and 20 is strictly regulated; they cannot work at night, on Sundays, or under hazardous or dangerous conditions. Government officials inspect companies that employ children after having received complaints. Every year a few employers are fined or receive conditional imprisonment for violations of the law. For nearly 100 years the government has had an office to combat trafficking of girls for the purpose of commercial sexual exploitation.



tion The law provides for convicted perpetrators of sexual abuse of children to be sentenced to up to 15 years imprisonment. An NGO study showed that most victims were girls between 13 and 17 years of age. To combat child pornography on the Internet, the federal office for police provides a monitoring service.

**TRADE UNION RIGHTS:** All workers, including foreigners, have the right to form and join unions of their choice. The new Constitution, approved by voters in April 1999, provides specific protection for the right to strike. Previously, public servants, including teachers, were forbidden to take strike action. By law workers have the right to organise and bargain collectively. About one-third of the work force is unionised.

**El member organisation / Membership:**

- Dachverband Schweizer Lehrerinnen und Lehrer (LCH) / 21,000
- l'Association syndicale et Pédagogique des enseignantes et des enseignants de Suisse romande [SER] 7,321
- der Verband des Personals Öffentlicher Dienste [VPOD] / 4,195

Population < 15:	30.4%	% GNP spent on education:	2.2%
Illiteracy:	7.5% <sup>m</sup> /25.9% <sup>f</sup>	Life expectancy at birth:	69
Pre-primary gross enrolment:	8%	School life expectancy [years]:	10.4 <sup>m</sup> /8.5 <sup>f</sup>
Net enrolment first level:	100% <sup>m</sup> /96% <sup>f</sup>	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	68% <sup>m</sup> /48% <sup>f</sup>	Tertiary students per 100,000:	2,301
Primary pupil teacher ratio:	28	% govt. expenditure on education:	N/A

Child Risk Measure: 15 [reg.av. Middle East and North Africa: 24]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Primary education is free, compulsory, and secular for all Turks. Compulsory education was extended in 1998 from five to eight years, or until the age of 14. The new eight year compulsory education requirement is expected to allow more girls, especially in rural areas, to continue their education. The illiteracy rate for women in some provinces, and especially in rural Anatolia, is as high as 50 percent. The government has expanded its bussing programme as a cost-effective way of delivering universal access to primary education. Turkey's EFA Report, considers bussing necessary as it is impractical to take the eight-year education programme to each and every one of the 79,000 villages and sub-village settlements. In 1998-1999 521,218 pupils were bussed. The EFA Report states that the government is committed to equipping all primary schools with computers by 2001. Although Turkey is secular, religious and moral instruction in public schools is compulsory for Muslims. Only Greek Orthodox, Armenian Christians and Jewish students may be exempted and may hold their own religious classes. In 1999, government sponsored seminars aimed at promoting human rights issues, targeted primary and secondary school students. Three hundred and forty three new primary schools were opened in 1999-2000. Although schools remained open in most urban centres in the southeast, rapid internal migration from rural areas of up to three million citizens led to severe overcrowding of city schools and chronic teacher shortage. The building of boarding schools has not alleviated the problem. Kurdish leaders are concerned that the policy of the construction of boarding schools rather than reestablishing the 450 local schools closed during the state of emergency has been done to facilitate assimilation. Many schools in the southeast are operating on double shifts, with as many as 100 students per classroom. Turkey, according to the EFA Report, aims to eliminate the double shift practice, and decrease class sizes by the academic year 2000-2001. The PKK appears to have abandoned its policy of using violence against school teachers. No teacher has been murdered in the southeast since 1996. There are more than 200 institutions of higher education. About 20 have university status. Entrance to Turkey's universities is extremely competitive.

**ACADEMIC FREEDOM:** An association of Kurdish and Turkish academics and intellectuals, TOSAV, remains under surveillance and had literature confiscated in 1999. A Kurdish founda-

tion, which offers scholarships to teacher-trainees to study the Kurdish language and culture in Sweden, also received close attention from the authorities. The Constitution does not recognise the Kurds as a national, racial, or ethnic minority. Violent demonstrations in May 1999, at Malatya's Inonu University, over the right to wear Islamic head scarves, led to 51 persons being charged with the capital offence of attempting to change the secular constitutional order by force. Three hundred and twelve teachers and student teachers, were dismissed or expelled during 1999 for wearing head garments. Women who wear headscarves have been prohibited from registering for university courses since and 1998, in 1999 47 professors and university administrators were dismissed for wearing or supporting the wearing of head garments. The Constitution states that all institutions of education are subordinate to the Ministry of National Education. Academic freedom otherwise is generally respected, although there is self-censorship on sensitive issues and must be considered in the light of writers, publishers, teachers, human rights defenders and many others who continued to be imprisoned or tried after they exercised their right to freedom of expression. In other incidents during 1999, university students in Istanbul were prosecuted for holding an illegal demonstration, and school children between the ages of 12 and 14, who held a sign, "We Want Teachers," were put on trial. The 1997 Law extinguished the Islamic imam-Hatip schools during the years of compulsory education.

**CHILD LABOUR:** The Constitution and labour laws forbid employment of children younger than age 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. The Constitution also prohibits children from engaging in physically demanding jobs such as underground mining and from working at night. The Ministry of Labour effectively enforces these laws only in the formal industrial sector. Child labour is widespread. And 8.5 percent of children between the ages of six and 14 years are engaged in economic activity and 24 percent are engaged in domestic labour. According to official data, 87 percent of working children are employed in small enterprises. The bulk of child labour occurs in rural areas, in the informal sectors of the economy and is often associated with family farms, and in the case of girls, with traditional handicrafts. The government participates in the ILO's IPEC action programmes and has actively sought to combat child labour since the early 1990s. Organised crime is involved in trafficking of girls for the purpose of forced prostitution. In some cases, girls from Romanian orphanages have been kidnapped. Others have been brought to Turkey from Eastern Europe and countries of the former Soviet Union, under false pretences.

**TRADE UNION RIGHTS:** Since 1997 public servants, including teachers, have been permitted to form and join unions. However, the law does not give them the right to collective bargaining or to strike. Unions must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. Workers and civil servants throughout the country answered a call by the Labour Platform and held a general strike in August 1999 to protest a draft social security bill which drastically raised the retirement age and

galvanised Turkey's three trade union confederations and public sector confederations to work together in the Labour Platform. The IMF imposed this as a pre-condition of its financial support. Unions argued that the government bill and the IMF had missed the point and that the root of the problem lay not with organised labour or the public service reaching retirement age but with the large unregistered workforce in the informal economy. Protest demonstrations led to the arrest of several union leaders. The reform bill, now law, has now been challenged as unconstitutional. EI affiliate, EGITIM-SEN, reports that its members have been subjected to continuous harassment and arbitrary measures in the east and south east of Turkey. In the twelve-month period to October 1999, seven union members were dismissed, 117 were transferred and 150 were otherwise punished. Another 200 were questioned after taking part in the Democratic Education Congress in 1998, even though the Ankara State Security Court had dismissed all charges against them. EI affiliate, EGITIM-SEN, joined other public sector employees in a country-wide protest in November 2000, in support of improved wages and conditions and opposing the influence of the IMF on government fiscal policy.

EI member organisation / Membership:

Union des Fonctionnaires Publics du Secteur de l'Education (EGITIM-SEN) / 122,158

Population < 15:	19%	% GNP spent on education:	5.3%
Illiteracy:	Negligible	Life expectancy at birth:	75m/80f
Pre-primary gross enrolment:	30%	School life expectancy [years]:	16.2m/17f
Net enrolment first level:	99%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	120% <sup>m</sup> /139% <sup>f</sup>	Tertiary students per 100,000:	3,237
Primary pupil teacher ratio:	19	% govt. expenditure on education:	11.6%

Child Risk Measure: Less than 5 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Education is free, universal, and compulsory throughout the United Kingdom, which comprises England, Scotland, Wales and Northern Ireland. Primary education begins at age five [or age four in Northern Ireland] and is compulsory to age 16 but remains free to age 18. Optional early childhood education is widely available for three and four-year-old children, and approximately 45 percent of three years old participate. Public education in Britain caters for the needs of 94 percent of children. The 1998 School Standards and Framework Act extended the ban on corporal punishment in state schools to private schools and early childhood institutions. Truancy is a serious problem in Britain. It is estimated that at least one million children are truants. There are also large numbers of children who for various reasons, including behavioural problems such as bullying and attacking teachers in the classroom, have been excluded. Nearly 13,000 children are permanently excluded and 100,000 are subject to fixed period exclusions. The government, as a priority, has set plans to cope with the problem. Britain's ethnic minorities represent nearly five percent of the population. Their communities are concentrated in the inner cities. Almost 500,000 school-age children do not have English as a first language. In Northern Ireland, breaking through a schooling system based historically on fairly strict sectarian lines remains an obstacle to the full recovery of the Province. During the 1980s and 1990s an expanding number of British colleges of higher education have been granted university status. There are now nearly 100 universities with a combined enrolment of 1,820,849 students. The Open University [1971] is a degree-granting institution that provides courses of study for adults who missed the chance of higher education. It uses TV, radio and local study programmes.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** School attendance until the age of 16 is compulsory. Children under the age of 16 are not permitted to work in an industrial enterprise except as part of an educational course. More recent evidence has highlighted the ineffectual enforcement of the child labour laws

in some parts of the country. Particularly in areas of high adult unemployment children under the age of 16 have been found working for more than 20 hours per week and to the extent that it was interfering with their education. Research suggests that the majority of children undertake some paid work outside their families by the time they reach the age of 16.

**TRADE UNION RIGHTS:** The 1999 Employment Relations Act restored some of the trade union rights that had been taken away in the eighties and early nineties. It affords significant new protection to union organising efforts and for the first time confirms the statutory right to strike. The Act sets minimum employment standards for the first time in labour law. The United Kingdom has now ratified ILO Convention 111 on discrimination, Convention 138, on the minimum age of employment and Convention 182, relating to the worst forms of child labour. In England and Wales school teachers are denied collective bargaining rights on pay and conditions. Those rights were removed in 1988 when the Conservative government replaced them with a Review Body made up of government appointees. The government requires the Review Body to make recommendations based on pre-set and government determined resource limits. The Review Body consults the teachers organisations individually but does not negotiate or meet with them collectively. The ILO Committee of Experts in 1998 considered a complaint from the National Union of Teachers and made some initial comments on it.

**FOOTNOTE: RESPONSIBILITIES** - British Crown Dependencies: Bailiwick of Guernsey [Population: 65,386], Bailiwick of Jersey [Population: 89,721], Isle of Man [Population: 75,686]. British Overseas Territories: Anguilla [Population: 10,300], Ascension Island [Population: 1,103], Bermuda [Population: 62,569], British Virgin Islands [Population: 18,727], Cayman Islands [Population: 33,600], Falkland Island (Islas Malvinas) [Population: 2,317], Gibraltar: [Population: 29,165], Monserrat [Population: 4,200], Pitcairn Islands [Population: 58], St Helena (with Tristan da Cunha) [Population: 7,065], Turks & Caicos Islands [Population: 12,350]. SEE ALSO: ANGUILLA; BERMUDA; BRITISH VIRGIN ISLANDS; MONSERRAT.

**El member organisation / Membership:**

- Association of Teachers and Lecturers [ATL] / 97,254
- Association of University Teachers [AUT] / 30,000
- Educational Institute of Scotland [EIS] / 51,272
- National Association of Schoolmasters/Union of Women Teachers [NASUWT] / 180,682
- The University and College Lecturers' Union [NALHE] / 76,000
- National Union of Teachers [NUT] / 201,297
- Scottish Secondary Teachers' Association [SSTA] / 7,333
- Teachers' Union [UTU] / 5,000

Population < 15:	20%	% GNP spent on education:	N/A
Illiteracy:	N/A	Life expectancy at birth: Serbia: 73, Montenegro: 76	
Pre-primary gross enrolment:	31%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	98%
Secondary gross enrolment:	62%	Tertiary students per 100,000:	1,625
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 29 [reg.av. 6]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (182)

**INTRODUCTION:** The Federal Republic of Yugoslavia is made up of the Republics of Serbia and Montenegro. Serbia abolished the political autonomy of two provinces within the territory of the Republic of Serbia, Kosovo and Vojvodina, in 1990.

The former Socialist Federal Republic of Yugoslavia (SFRY), an original member of the United Nations, ratified the UN Convention on the Rights of the Child.

SFRY also ratified the following ILO Conventions: 29, 87, 98, 100, 111, 138. However, the ILO has yet to recognise the Federal Republic as the legitimate successor to SFRY.

In 1999, following the end of NATO air bombings and the withdrawal of Yugoslav forces from Kosovo, the Security Council vested in the UN administration authority over the territory and people of Kosovo, including all legislative, executive and judicial powers. Under the umbrella of the UN, the European Union, the Organisation for Security and Co-operation in Europe and the United Nations are working with the people of Kosovo to create a functioning, democratic society with substantial autonomy.

Elections in Serbia in September and December 2000 resulted in the defeat of the Milosevic regime and the establishment of a new government committed to democracy and peaceful resolution of outstanding problems.

## SERBIA and MONTENEGRO

**EDUCATION RIGHTS:** The educational system provides for eight years of compulsory schooling.

This provision applies to Serbia and to Montenegro. A decade of conflict, war and the impact of sanctions has severely affected education in Serbia and Montenegro. A number of schools in Serbia suffered collateral damage from NATO bombing. Serbian schools however were generally better resourced in terms of the state of the buildings, furniture, equipment and curriculum materials than Montenegrin schools. In Montenegro few schools have sufficient basic curriculum resources, let alone computers, for students to use and few schools or kindergartens have had

any maintenance in a decade. In December 2000 the Montenegrin Education Union reported that a significant number of schools had inadequate funding for heating throughout the winter. Despite this teachers have worked very hard to maintain a good quality of education. The Montenegrin government has given priority to education reform undertaken in consultation with the union. In comparison to Serbia, teachers and education workers in Montenegro have been substantially better and more regularly paid, although salaries are insufficient to cover basic living costs. Vojvodina Croats made no progress in 1999 on their demand for a separate curriculum in school, and Vojvodina Hungarians reported that the government was eroding the principle of minority education by banning foreign books and moving Hungarians schools far from the Hungarian population. During the Kosovo conflict, Montenegro accepted 70,000 displaced persons from Kosovo. The government of Montenegro worked with the unions, NGOs and international agencies to provide schooling to the refugee camps. Albanian Montenegrins have access to schooling in their mother tongue. In parts of Serbia there continued to be claims of discrimination against Albanian students.

The higher education sector in Serbia comprises the six universities that operate through 80 semi-autonomous faculties and 50 undergraduate schools that provide intermediate technical education. Until 1984, the schools came under the university system but were then separated off, although routes for academic progression were retained. Now both the faculties and the undergraduate schools are the responsibility of the Ministry of Higher Education. There are 40,000 employees in the broad area of higher education and related fields. The problems of inadequate resources and aging equipment are acute and higher education staff suffered not only the material difficulties but a severe sense of isolation. In Montenegro there is one state university made up of 15 faculties and three independent research institutes. The university has some 10,000 students and 1,200 employees.

**ACADEMIC FREEDOM:** The government of Montenegro respects academic freedom. In Serbia, under the Milosevic regime, the Universities Law allowed the government of Serbia to appoint rectors and governing boards and hire and fire deans of faculties. Deans in turn can hire and fire professors. Some 22 professors were fired and 30 suspended for refusing to sign new contracts.

**CHILD LABOUR:** The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. In Serbia, in particular, children can be found in a variety of unofficial 'retail' jobs, typically washing car windows or selling small items such as cigarettes. Serbia is a source, transit and destination point for trafficking in girls for the purpose of forced prostitution. Montenegrin law specifically forbids trafficking although there is little information about its enforcement.

**TRADE UNION RIGHTS:** In Serbia and Montenegro all workers except military and police personnel have the legal right to join or form unions. In Serbia, however, the law provided that workplace unionisation required the approval of the management. The Milosevic government



retained a major influence over the "official" unions. The education unions engaged in collective bargaining and settled contracts but the government frequently unilaterally breached the agreements reached. Since the 5 October 2000 elections, the trade union situation has changed significantly in Serbia. There are now three main trade union centres recognised by the government for consultation purposes. A tripartite working group has been formed to develop a new labour law which will be introduced in 2001. In the education sector unions from all three centres joined to take combined action in March 2001 in support over improved salaries, better working conditions and education reform. In Montenegro the education union has negotiated a number of collective agreements covering all levels of the education sector. These have been respected by the government, although in 2000 threats of industrial action were necessary to ensure allowances were fully paid at a time of state budgetary difficulties.

**El member organisation / Membership:**

- Autonomous Trade Union of Education, Science, Culture and Physical Culture of Yugoslavia - Federal Committee (ATUESPCY) / 80,131

## KOSOVO

**EDUCATION RIGHTS:** Since 1991, and until the NATO intervention in 1999, Kosovar Albanians had as a result of their exclusion from the state education system been forced by the Serbian government headed by Slobodan Milosevic, to organise and fund a parallel, semi-clandestine education system to enable their children and young people to be educated in the Albanian language and culture. When Albanians were forced to flee Kosovo, El affiliate SBASHK, with support from El and El member organisations in the countries concerned, and from NOVIB, the Dutch non-governmental development agency, worked to provide schooling in the refugee camps in Albania and FYR Macedonia. During the conflict, almost 75 percent of Kosovo schools were damaged or completely destroyed. Once United Nations control over Kosovo was established a massive repair and reconstruction programme got underway largely funded by international non-governmental agencies, including a programme organised by Oxfam International and El affiliate, SBASHK. The period to the end of 2000 has had to focus largely on physical rehabilitation, although the United Nations Mission in Kosovo [UNMIK] has also begun the process of education administrative reform. At the end of 2000, there were still a number of schools awaiting reconstruction with classrooms operating in tents. Most schools operate at least two shifts and some three. SBASHK has identified, as a priority, the need to introduce teachers to active teaching and learning methods. With support from El and NOVIB it has begun the first system-wide programme, providing an introductory two-day seminar for every kindergarten, primary and secondary teacher. UNMIK and SBASHK estimate that untrained teachers currently make up between 30 percent and 40 percent of the teaching service. The University of Prishtina reopened in August 1999 and is also in the process of making changes to bring it up to Western European standards. Estimates for pupil and teacher numbers were still tentative at the end of 2000. One UNMIK estimate put the total staff, including teachers, support staff

and administration at 27,000. Of these some 3,000 were Serb teachers and support staff remaining in Kosovo for some 16,000 to 20,000 students at all levels. The security situation confining them in a limited number of enclaves has resulted in tertiary services having to share primary school classrooms. Both Albanian and Serb schools are likely to face considerable staffing rationalisation involving loss of jobs.

**ACADEMIC FREEDOM:** The security situation in Kosovo does not at present allow for the employment of Serb academics at the University. UNMIK is promoting significant change within the University, including changes to what is taught, in order to meet Western European standards.

**CHILD LABOUR:** UNMIK reports informally a dropout rate from primary school of 15 percent. In villages and farming communities children may work assisting their families. In Prishtina and in other towns and cities children can be found working in stalls or selling small items such as cigarettes on the streets. Kosovo is a transit point and source for girls trafficked to other parts of Europe for forced prostitution. Relief agencies warned that criminal gangs were trying to abduct young girls from the province and traffick them to Italy and Greece. It was also reported that hundreds of girls and young women were lured to Kosovo and may be living in sexual servitude. They are usually of Eastern European origin. Some are as young as 15 years. The client base includes ethnic Albanians, international workers, and peacekeeping troops.

**TRADE UNION RIGHTS:** As of December 2000, there was no official labour law in Kosovo. A draft law developed by the Department of Labour and Employment has been circulated for comment but had not yet been adopted by the United Nations. There is a process for registering a union. An education law, which would provide a framework for the sector, was in the process of being drafted. A major issue for all Kosovo workers is the absence of any social security system, pensions or free health care. Individual contracts of employment were issued to education sector staff in August 2000 without consultation or negotiation with SBASHK or the Serb teacher representatives. UNMIK has refused to engage in collective bargaining. Since August SBASHK has had regular meetings with UNMIK. SBASHK tabled in January 2001 a list of claims and UNMIK has agreed to discuss them after the education law is drafted. At EI's request UNMIK has also met with representatives of the Serb education personnel in Kosovo.

EI member organisation / Membership:  
 Union of Education, Sciences and Culture of Kosovo (SBASHK) / 27,000



LATIN AMERICA



Population < 15:	27.7%	% GNP spent on education:	3.5%
Illiteracy:	3.7%	Life expectancy at birth:	71
Pre-primary gross enrolment:	82%	School life expectancy [years]:	8.1 [2000]
Net enrolment first level:	88%	% 1995 cohort reaching grade 5:	89%
Secondary gross enrolment:	73m/81% <sup>f</sup>	Tertiary students per 100,000:	5,430 [2000]
Primary pupil teacher ratio:	18	% govt. expenditure on education:	12.6%

Child Risk Measure: 5 [reg. av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Primary education is free and compulsory from ages five to 14 and is normally followed by at least two years of secondary school. EI affiliate, CTERA, organised *Carpa Blanca*, a three-year campaign seeking improved funding for public education, which is inadequate. The campaign won widespread support. In 1999, students also took to the streets of Buenos Aires for several days, protesting cuts in the federal education budget. Estimates of the Indigenous peoples of Argentina vary from 700,000 to 1.5 million. They have a comparatively high rate of illiteracy and their constitutional entitlement to bilingual education is hampered by a lack of trained teachers. Argentina has 26 public universities with 946,506 students and 49 smaller private universities catering for a further 166,181 students. Approximately half of the other 1,664 tertiary institutions in Argentina are private. Altogether they enrolled 870,615 students in 2000.

**ACADEMIC FREEDOM:** Legislation acknowledges academic freedom. It is respected by the federal government although widespread use of short-term contracts may inhibit it in practice.

**CHILD LABOUR:** Argentina has one of the highest rates of adult unemployment in Latin America and this has contributed to an increase in the numbers of child labourers. As many as 4.5 million children live in impoverished conditions, according to an official report in 1998. Census figures indicate that about five percent of children between the ages of six and 14 are employed, most with older family members. Local NGOs assert the figure could be twice the official statistics. The Ministry of Labour chairs the national Commission for the Prevention and Eradication of Child Labour, working with organised labour, the business community, religious groups, the ILO, UNICEF, and NGOs. The Commission has been developing a programme for several years. During 2000, the authorities began investigations of a network trafficking in child workers, including child prostitution. Migrant children are among the most vulnerable to worst forms of exploitation. Police, in 2000, discovered some 200 Paraguayan girls being sexually exploited in Buenos Aires brothels, and 40 Bolivian children were found working in slave-like conditions in a clan-

destine textile factory. The law prohibits employment of children under 14 years of age, except in rare cases where the Ministry of Education may authorise a child to work as part of the family unit. Minors between the ages of 14 and 16 may work in a limited number of job categories but not more than six hours a day or 35 hours a week. El member organisation, CTERA, played a leading role in the Global March Against Child Labour which campaigned successfully for the adoption of ILO Convention 182. During 2000, CTERA developed, in partnership with El and the ILO, a further campaign against child labour focusing on the implementation of the Convention and the role of education in eliminating child labour.

### **TRADE UNION RIGHTS:** All workers are free to form unions and have the right to strike.

Labour law reforms during the 1990s were market driven and have given rise to increasing worker insecurity and loss of basic rights. Successive governments, including the government elected in 1999, have been pressured by the business sector and the IMF to introduce no fewer than 23 amendments to the existing legislation to the detriment of the workforce. The rights and protection of workers and their unions have been seriously undermined in general and in particular working conditions have deteriorated. Wages, salaries, and social benefits have been eroded, and the concept of collective bargaining placed in jeopardy. Official statistics show an unemployment rate of 14.7 percent, and 15.4 percent of the workforce under-employed. At the same time, over 40 percent of those in employment work more than nine hours per day, in one or more jobs, and a further 22 percent work more than eleven hours per day. Even the larger of the two union confederations, CGT, which has a strong party-political affiliations, has begun to seriously protest the situation. In August 1999 there was social unrest in several provinces over non-payment of public sector salaries and unemployment. In Corrientes province, public workers, including teachers, took strike and other action in protest at the provincial government's refusal to pay salaries. In December 1999 the federal government took direct control of the province. Employment issues, worker-employer-government relations, and concomitant problems in Argentina, far from improving in 2000, declined further towards a potentially inflammatory situation.

El member organisation / Membership:

- Confederación de Trabajadores de la Educación de la República Argentina (CTERA) / 230,000
- Le Educadores Argentinos (CEA) / 20,000

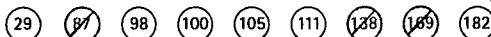


Population < 15:	29%	% GNP spent on education:	5.1%
Illiteracy:	15.9%	Life expectancy at birth:	67*
Pre-primary gross enrolment:	58%	School life expectancy (years):	11.1
Net enrolment first level:	90%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	1,424
Primary pupil teacher ratio:	24	% govt. expenditure on education:	N/A

\* average life expectancy of Brazilian Indians is 42.6 years

Child Risk Measure: 8 [reg.av. 10]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Primary education in Brazil is compulsory for children between the ages of seven and 14. Education is free in public institutions at all levels, including universities. In 1998, some 53,000,000 children were enrolled at early-childhood, primary and secondary levels. Eighty-five percent were enrolled in public schools. School attendance is not universal, and millions of school-age children receive little or no education. Brazil's EFA report pointed to the achievement of the last decade in improving secondary school attendance – from just over 10 percent to approximately 32 percent. The report announced an ambitious programme to improve the qualifications of the teaching profession. By the year 2007, an additional 600,000 teachers will be enrolled in college degree courses. The report acknowledged the need for Brazilian education to be based on building a more equitable society. Of Brazil's 95 universities, 55 are administered by the state.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Child labour, including worst forms of child labour, is a serious problem in Brazil. UNICEF revealed in 1999 that 21.1 million children live in poverty and that nearly 600,000 children between the ages of five and nine are child labourers, and 2.3 million between the ages of 10 and 13 are in the workforce. The Global March Against Child Labour quotes a source that puts the number of working children between the ages of 10 and 14 at seven million. UNICEF reports 50,000 children work in garbage dumps sorting trash for re-use. There are no reliable figures on the number of street children and child beggars nation-wide, but a conservative estimate states that there are 30,000 in Rio de Janeiro and 12,000 in Sao Paulo. Hundreds of thousands of children work in conditions contemplated by ILO Convention 182. Many children and adolescents, ranging in age from seven to 17 years, work in cane fields, cutting hemp or feeding wood into charcoal ovens: frequent accidents, unhealthy working conditions and squalor are common in these environments. The government's own estimate is that 60,000 children work illegally in unhealthy conditions. Thousands of young children work under conditions approximating forced

labour or debt bondage. This is especially so in the mining industry and the plantation economy. The trafficking in girl children for the purpose of forced prostitution is also a serious problem. During 1999 several child prostitute rings were uncovered. The federal government has taken a number of initiatives, and participates with UNICEF, the ILO, NGOs and other international and national bodies, in combating child labour. The union movement, including EI affiliate, Confederação Nacional dos Trabalhadores em Educação [CNTE], has been prominent in support of these initiatives. The federal government administers 33 programmes aimed at combating child labour, in general, and has instituted no fewer than 40 separate programmes to combat the sexual exploitation of children. Although the latter have tended to fall short of effectiveness due to lack of resources and personnel, in 2000, the government unveiled a pilot programme aimed at liberating 20,000 children caught-up in child prostitution and similar forms of sexual exploitation. The government's broader campaign to tackle child labour is credited with having lowered the incidence of child labour in Brazil by approximately 24 percent between 1996-1999. One successful initiative, the 'school scholarship' programme, pays parents to send their children to school. The United Kingdom and other countries provide some practical support for the project. Brazil was the first country in Latin America to ratify Convention 182.

**TRADE UNION RIGHTS:** Collective bargaining for public servants is restricted, and the government reserves extensive powers to cancel collective agreements which are not consistent with its wage policy. Legislation to prevent anti-union activities is not effectively enforced. Some cases of discrimination against union activists may take more than five years before they are resolved. The government has indicated it wants to reform the labour law relating to the public sector, and introduce temporary work contracts, labour flexibility and deregulation measures. Currently, in the case of public employees, the Constitution specifies their right to strike, subject to conditions enacted by the Congress. Since the Congress has yet to pass the relevant legislation, labour and legal experts debate the limits of the right to strike by public sector employees.

Population < 15:	28%	% GNP spent on education:	3.4%
Illiteracy:	4.7%	Life expectancy at birth:	72.4m/79.2f
Pre-primary gross enrolment:	98%	School life expectancy [years]:	12.6
Net enrolment first level:	91% <sup>m</sup> /88% <sup>f</sup>	% 1995 cohort reaching grade 5:	100%
Secondary gross enrolment:	72% <sup>m</sup> /78% <sup>f</sup>	Tertiary students per 100,000:	2,546
Primary pupil teacher ratio:	30	% govt. expenditure on education:	14.8%

Child Risk Measure: 8 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** The government provides free primary and secondary school education; education is compulsory from the first to the eighth grade. Chile has one of the highest literacy rates in Latin America. Indigenous peoples of Chile number approximately one million. The majority, Mapuche ["people of the land"], and smaller groups, Aymara, and the Polynesian, Rapa Nui, from Easter Island, remain largely separated from the rest of society, not least because of educational factors. However, policies that emphasised assimilation were to an extent overturned by a 1993 statute which provides some recognition of their needs and cultures, including bilingual education in schools in Indigenous areas. In May 1999, a police officer allegedly shot and killed a university student in the city of Apaca. The student was taking part in a [nation-wide] demonstration to protest the inadequacy of the government's budget allocation for higher education. There were 367,000 students enrolled in post-secondary education that year.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Child labour is a problem. A Government study estimates that 15,000 children between the ages of six and 11, and 32,000 children between the ages of 12 and 14 are in the workforce. According to the study, a majority of these children are males from single-parent households headed by a woman. Many working children are employed more than 40 hours per week and do not attend school. UNICEF estimated that there are approximately 10,000 child prostitutes in the country. The law allows children between the ages of 15 and 18 to work with the express permission of their parents or guardians. Children 14 years of age may also work legally with the same proviso, but they must have completed their primary education. The work involved may not be physically strenuous or unhealthy. Youths may join the armed services at age 16. The Ministry of Labour convenes regular meetings of a tripartite group [employers-unions-government] to monitor progress in eradicating child labour. There is evidence that the Government is making serious efforts to reduce child labour in the informal sector. Chile participates in the ILO's IPEC action programme.



**TRADE UNION RIGHTS:** In 1999, Chile ratified ILO Convention 87 and Convention 98. The country has yet to amend its labour legislation to conform to the Conventions. In December 1999, the Senate voted down a reform bill that would have allowed millions of workers to bargain collectively. The Chamber of Deputies had already passed the bill. Public servants do not enjoy the right to strike, although government teachers have struck in the past. There is no provision for compulsory arbitration in the public sector.

Population < 15:	32%	% GNP spent on education:	4.1% *
Illiteracy:	9.1%	Life expectancy at birth:	66.4m/74.2f
Pre-primary gross enrolment:	33%	School life expectancy [years]:	10
Net enrolment first level:	85%	% 1995 cohort reaching grade 5:	70% <sup>m</sup> /76% <sup>f</sup>
Secondary gross enrolment:	57% <sup>m</sup> /66% <sup>f</sup>	Tertiary students per 100,000:	1,640
Primary pupil teacher ratio:	25	% govt. expenditure on education:	19% *

\* Ministry of Education only.

Child Risk Measure: Child Risk Measure: 16 [reg.av. 10]

Ratification of ILO Conventions:

29
87
98
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182

**EDUCATION RIGHTS:** The level of violence and the human rights violations that ravage Colombian society directly affects students and their teachers. In conflict zones, especially, children are often caught in the crossfire between the state's security forces, paramilitary groups, and guerrilla organisations. Students are confronted on a daily basis with murders, kidnappings, and "forced disappearances." In some parts of the country students, teachers and other school staff work under constant fear for their physical safety. As well as suffering psychological traumas, students often have to forfeit opportunities to continue or complete their education. EFA statistics reveal that less than 60 percent of the 1998 cohort survived to grade 5. In 1995 the figure was 73 percent. Instability in many rural areas internally displaced more than one million citizens between 1995–1999. In 1999 alone, nearly 300,000 were forced to leave their homes and district. The government has been unable to respond adequately to the educational needs for displaced children fleeing with their families to cities and safer towns in Colombia. Only 15 percent of displaced children attend school. Families fleeing to neighbouring countries have found their hosts decidedly unwelcoming and they are usually treated as illegal immigrants. Some 650,000 students were enrolled in higher education in 1999.

**ACADEMIC FREEDOM:** During 1999, three prominent university professors were killed, and one survived an attempt on his life. Professor Jesus Bejarano, a former government peace commissioner, was killed as he was walking to class at the National University. Dr Dario Betancur, head of social sciences faculty of Bogota's Universidad Pedagogica, was also murdered. Dr Herando Henao Delgado, who had published on the subject of displaced persons, was killed on the campus at the University of Antioquia. The student leader at Antioquia was also murdered and others at the university received death threats and the university was bombed twice during the year. Professor Eduardo Pizarro Leongomez, director of political studies at the National University, was shot but survived. The affect of these slayings caused great hesitation in the university community to express views on the country's internal conflict for fear of continuing retribution from paramilitary members.

**CHILD LABOUR:** Child labour, including worst forms of child labour, is a widespread problem. The number of working children is between three and four million. More than 50 percent do not attend school at all. A 1996 Labour Ministry study determined that child workers averaged 50 hours of work a week.

It is estimated that 2,000 child soldiers were killed in 1998. Guerrilla groups routinely forcibly recruit children to serve as soldiers. Once recruited the children are virtual prisoners and subject to abuse. Sexual abuse of 'recruited' girl children is a particular problem. There are also child soldiers among the paramilitary groups. Some are as young as ten years of age. A related exploitation of children is known as *sicariapo*, whereby narcotic traffickers and other groups use children, aged between nine and 15, to carry out assassinations of their political opponents and others. The Minors' Code prohibits the employment of children under age 12 and there are restrictions of hours of work and types of work for those age 12 and over. Hazardous occupations, such as mining and construction, are prohibited. The Government prohibits forced and bonded labour by children but is unable to enforce this prohibition effectively. In rural areas, 75 percent of child labourers receive, on average, one-fourth of the minimum wages, while 25 percent receive no pay at all. Only 10 percent of child labourers were found to be covered by the health services of the social security system. Children, as young as 11 years of age work full time in the cut flower industry where they are often exposed to toxic substances from the spraying of pesticides. A recent study of the use of children in the marginal coal mines in north-western Colombia shows that children as young as six work with their families in the mines, carrying water out of the mines, leading the loaded mules and packing coal into bags. Older children do the heavier and more dangerous work, such as drilling. Children working the mines face many hazards including landslides, floods, fires, explosions and gas. They suffer from overexertion, hernias, lack of oxygen and bone deformation. Some schooling is available in mining areas but many of the children are too exhausted to attend because of the hours they work. Street children are a major problem in Colombia's cities. Street children employ desperate strategies to survive: 64 percent work, most commonly in itinerant sales, and some 17 percent cited 'stealing' as their principal occupation. "Social cleansing" killings of street children and others deemed socially undesirable by paramilitary groups, guerrillas, and vigilante groups, some funded by local businesses, is a serious problem. The trafficking in girls for the purpose of forced prostitution is also a problem. An estimated 25,000 boys and girls under age 18 work in the 'sex industry'. In July 1999, the government raised the age of recruitment into military service from 16 to 18 years of age.

**TRADE UNION RIGHTS:** Sixty-nine trade unionists, including 19 trade union leaders were murdered in 1999. Three quarters of the deaths and other violations were against public sector workers: over half being members of teachers' unions affiliated to El member organisation, FECODE. Because teachers are often seen as leaders in their communities they are common targets for various guerrilla and paramilitary groups. During 1998 it was reported that more than ten percent of all victims of politically motivated murders and 'disappearances' were public school teachers. FECODE declared a national strike in October 1999, after the government refused to negotiate with them concerning the content of a draft law. During a demonstration in Medellin, related to the strike, a teacher was killed by agents of the state, and six other teachers were detained and beaten. The 1991 Constitution recognises the rights of workers to organise unions and strike. Although the right to strike is restricted by compulsory arbitration and a broad definition of essential services, which in effect prohibits public employees from striking. In practice the prohibition is ignored. The Constitution protects the right of workers, other than public employees, to engage in collective bargaining. The exclusion of the public sector from being able to bargain collectively means that Colombia does not conform to ILO Convention 98.

El member organisation / Membership:

Asociación de Educadores (FECODE) / 167,000



Population < 15:	32%	% GNP spent on education:	5.4%
Illiteracy:	4.8%	Life expectancy at birth:	73.3m/78.5f
Pre-primary gross enrolment:	71%	School life expectancy [years]:	10.1
Net enrolment first level:	89%	% 1995 cohort reaching grade 5:	88%
Secondary gross enrolment:	45% <sup>m</sup> /49% <sup>f</sup>	Tertiary students per 100,000:	2,830
Primary pupil teacher ratio:	29	% govt. expenditure on education:	22.8%

Child Risk Measure: less than 5 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Costa Rica has one of the highest rates of literacy in Latin America. Six years of primary and three years of secondary education is free and compulsory for all children. Public education is relatively well funded. The state publishes specific classroom guidelines for assisting children with physical or intellectual disabilities. The University of Costa Rica, in San Jose, has an annual enrolment of about 29,000 and altogether approximately 90,000 students undertook higher education in 1999. There has been a proliferation of private universities giving rise to serious questions about the quality of education they provide. Approximately one percent of the population identify themselves as Indigenous. Most live in remote communities and often lack access to schools.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Legislative Assembly adopted the Code of Childhood and Adolescence in December 1997, which includes provisions designed to implement the UN Convention on the Rights of the Child. An NGO, The National Institute for Children [PANI], implements government policy and is charged with protecting and promoting children's' rights. The minimum working age of 15 years is generally enforced in the formal sector but is abused in the informal economy. The Ministry of Labour reported that up to 147,000 children between five and 17 years of age are employed: 25,000 work full-time. Costa Rica participates in the ILO's IPEC action programme, and the Labour Ministry is working to phase out child labour. PANI identified child prostitution as a problem in the capital, San Jose, where as many as 3,000 children are believed to be involved. In 1999, it was made a criminal offence to engage in sexual activity with a child prostitute. The authorities enforce the new law in practice.

**TRADE UNION RIGHTS:** The unionised workforce is almost entirely in the public sector. It remains virtually impossible to form or join trade unions in the private sector because of hostility from employers and the government's unwillingness to enforce its labour laws. Collective bar-

gaining is almost unknown. The unions maintain their view that changes made to the labour code in 1993 to protect trade unionists against discrimination are a "dead letter". The law on Solidarist associations was also changed in 1993. These are associations set up by employers as an alternative to unions. They continued, however, to act against trade unions and any effort at trade union organisation. The Constitution and the Labour Code restrict the right of public sector workers to strike. However the Supreme Court affirmed their right to strike, except for essential services. In August 1999 the government negotiated a wage increase following a seven-day general strike by public sector unions. Collective bargaining is prohibited in the public sector. The government keeps telling the ILO that a bill to rectify the situation is under examination.

**El member organisation / Membership:**

- Asociación Nacional de Educadores (ANDE) / 37,924
- Asociación Sindical de Profesores y Funcionarios Universitarios (ASPROFU) / 960
- Trabajadores de la Educación Costarricense (SEC) / 18,000

Population: 175,000

Population < 15:	26%	% GNP spent on education:	N/A
Illiteracy:	3.7%	Life expectancy at birth:	75
Pre-primary gross enrolment:	100%	School life expectancy [years]:	N/A
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	18	% govt. expenditure on education:	N/A

Curaçao is the principal island and administrative centre of the federation of the Netherlands Antilles. The federation, an integral part of the Kingdom of the Netherlands, is not represented in its own right at the UN, the ILO or similar international bodies. SEE NETHERLANDS for ILO Convention ratifications.

**EDUCATION RIGHTS:** Since 1991, education has been compulsory between six and 15 years of age. Reflecting the nature of the federation of the Netherlands Antilles, education on Curaçao is the joint responsibility of the federal government of the Antilles and the local government on Curaçao. The education system is organised in the same manner as the Dutch system, although the Netherlands has no responsibility for its administration. The language of instruction on Curaçao is Papiamentu, a Creole with elements derived from African, Portuguese, Spanish, English and Dutch languages. To ensure that students are qualified to continue higher education abroad, much attention is given to teaching foreign languages. English, Dutch and Spanish are introduced at primary level. Dutch and English, as well as Papiamentu, are languages of instruction at secondary schools. Early childhood education is widely available for four and five year olds. Private schools have a larger enrolment than public schools. Higher education is available at the University of the Netherlands Antilles [founded 1970] in Willemstad, on Curaçao. There is a teacher' training college on the island. A shortage of teachers is a problem at all levels.

**ACADEMIC FREEDOM:** Academic freedom is comparable to the Netherlands.

**CHILD LABOUR:** N/A

**TRADE UNION RIGHTS:** According to the EFA report for the Netherlands Antilles, teachers and their union are considered to be in partnership with federal and local government in the development of education policy and programmes.

El member organisation / Membership:

ato de Tráhadu den Edukashon na Korsou (SITEK) / 1,300

Population < 15:	34%	% GNP spent on education:	2%
Illiteracy:	17.6%	Life expectancy at birth:	71
Pre-primary gross enrolment:	33%	School life expectancy (years):	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	47% m/61% f	Tertiary students per 100,000:	2,223
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	13.4%

Child Risk Measure: 16 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (126) (163) (182)

**EDUCATION RIGHTS:** The Republic provides free, compulsory education for children between the ages of seven and 14. Three years of early childhood education is offered in some areas. However, some 20 percent of Dominican seven year olds [grade 1] were not in school in 1998. In the rural areas there are major problems of access to schools with lack of adequate funding for buildings and new classrooms and a chronic shortage of teachers. The intermediate school and four-year secondary courses are out of reach for the majority of Dominicans. It is rare for Dominicans of Haitian descent to complete their basic schooling. As many as 500,000 Haitian immigrants live in primitive worker camps where their children receive no education. The main public university, the Autonomous University of Santo Domingo, founded 1538, is the oldest in the Americas. It has approximately 100,000, mainly part-time, students. The University is badly underfunded and was in financial crisis in 1999. There are four other universities and more than twenty other institutions of higher education.

**ACADEMIC FREEDOM:** The government generally respects academic freedom. However, in August 1999, a public polytechnic college in the National District laid-off ten teachers who were not Roman Catholics and there were complaints that students whose parents were non-Catholic were refused admission, despite excellent grades.

**CHILD LABOUR:** Child labour is a serious problem. The law prohibits the employment of children under 14 years of age and restricts the employment of children under the age of 16. Many children begin work before the legal age, mainly, but not exclusively, in the informal economy. Poverty, an inequitable society, and entrenched attitudes are contributing factors to the prevalence of child labour. Some promoters in the tourist industry have facilitated the sexual exploitation of children. Tours are marketed overseas with the understanding that boys and girls can be found as sex partners. Some individuals come to the country to adopt children but actually intend to use the children in the production of pornography or related worst forms of child labour. The police and NGOs attempt to combat trafficking in children but there are no shelters

to provide refuge for children who break free from sexual exploitation. Poor families frequently arrange for their children to be 'adopted' in exchange for money or goods. The arrangement, typically, results in a type of bondage: the children work in domestic servitude, their right to an education neglected. Child labour is common in the agricultural sector, and in clandestine 'cottage' factories. Homeless children are frequently at the mercy of adults called Palomas who collect these children into a gang and put them to work begging and selling fruit, flowers, and other goods on the street. The country's nine Export Processing Zones are significant employers of illegal child labour, particularly young girls.

**TRADE UNION RIGHTS:** There have been reports of employer intimidation of union activities. Collective bargaining is lawful, but uncommon. The Labour Code established a system of labour courts for dealing with disputes, but these courts have proven ineffective at enforcing the law. During the days leading up to a general strike in October 1999, to protest an increase in fuel prices, the national police arrested labour union officials and others suspected of supporting the strike or opposing the government. On the eve of the strike, a leader of El affiliate, Asociación Dominicana de Profesores, was shot dead by police.

El member organisation / Membership:

- Asociación Dominicana de Profesores (ADP) / 26,000
- Unión y Corriente Profesional 'Salomé Ureña' / 15,000





Population < 15:	36.23%	% GNP spent on education:	3.5%
Illiteracy:	7.8m/11.7%	Life expectancy at birth:	68m/74f
Pre-primary gross enrolment:	56%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	85%
Secondary gross enrolment:	50%	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	28	% govt. expenditure on education:	13%

Child risk Measure: 13 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Education, in principle, is free and compulsory for all children between the ages of six and 14, but the Government rarely enforces this requirement, and many rural areas do not have schools. According to a 1999 study, 62.5 percent of citizens live in poverty, and 15 percent are indigent, with an almost total lack of resources. Government spending on education continued to decline in 1999. Where available, early childhood education begins at age four. In 1998, 44 percent of eligible children enrolled in some form of early childhood development programme. About 20 percent of primary and secondary schools are private; most are in urban areas. Indigenous peoples constitute 15 to 20 percent of the population. Although the Indigenous people still lack access to education they consider appropriate to their cultures and needs, there has been some benefit during the last decade with the return of educated Indigenous to their communities. This trend has increased the number of Indigenous primary school teachers and literacy programmes have expanded. The 700,000 Afro-Ecuadorians living on the northern coast and adjacent hinterland area have limited educational and economic opportunities. There are twelve state universities and five private universities. Twenty percent of secondary school graduates receive higher education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** A UNICEF 1997 report estimated that thirty seven percent of the country's 2.1 million children between the ages of 10 and 17 were in the workforce. The law, in principle, prohibits children under 14 years of age from working, except in special circumstances, such as apprenticeships. It requires those between the ages of 14 and 18 years to have permission of their parent or guardian to work. The law prohibits children between the ages of 15 and 18 years from working more than seven hours per day, and it restricts children below the age of 15 years to a maximum of six hours per day. In practice, the Ministry of Labour fails to enforce child labour laws. In rural areas many children leave school to help out on the family's subsistence farm or to work as agricultural labourers. In the city, many children under 14 years of age work in family-

owned businesses, shining shoes, collecting and recycling garbage, or as street peddlers. It is common to see children as young as five or six years of age selling newspapers or candy on the streets to support themselves or to augment the family income. There are instances in urban areas of children being sexually exploited. Several NGOs and UNICEF run programmes to assist street children.

**TRADE UNION RIGHTS:** Ecuador experienced an acute social, economic and political crisis in 1999. There were three significant strikes, mainly in response to the government's austerity policy. They involved public sector employees, including teachers. The government imposed a 60-day state of emergency after trade unions declared a two-day general strike on 10 March. Violent clashes took place between protesters and the police who used tear gas. A general strike began on 5 July supported by the trade union confederation, FUT, and other groups including Indigenous people and students. The government declared another state of emergency. There were injuries and hundreds of arrests during subsequent demonstrations. The 1998 Constitution recognises and guarantees the right to strike, but excludes broadly defined essential services, including education. Teachers have the right of association, and can bargain at national level but not at local and workplace levels, although in practice they tend to do so. The National Constituent Assembly defeated an attempt to overturn 1997 legislation that outlawed public sector strikes that paralyse "key services", including schools.

El member organisation / Membership:

Asociación Ecuatoriana de Trabajadores de la Educación y la Cultura (FETEC) / 6,200

Population < 15:	38%	% GNP spent on education:	2.3%
Illiteracy:	19.7% <sup>m</sup> /25.6% <sup>f</sup>	Life expectancy at birth:	66m/73.5f
Pre-primary gross enrolment:	40%	School life expectancy [years]:	9.8
Net enrolment first level:	78%	% 1995 cohort reaching grade 5:	77%
Secondary gross enrolment:	34%	Tertiary students per 100,000:	1,935
Primary pupil teacher ratio:	30	% govt. expenditure on education:	14.1%

Child Risk Measure: 22 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is compulsory up to grade 9, or age 14. A 1997 survey indicated that 17 percent of urban children and 34 percent of rural children have no formal education. Secondary school enrolment is about 25 percent. Rural areas account for only six percent of all secondary school enrolments. After 12 years of armed conflict the resources available to rebuild the education system are inadequate. A World Bank Group project aims to improve the quality of primary education, increase access, and promote gender equality. A secondary school project aims to expand coverage in rural areas. Traditionally, many rural landowners favoured an uneducated rural population on the grounds that better educated workers would expect better wages and conditions and lobby the government for land reforms. The small Indigenous population has been almost wholly assimilated into the dominant Hispanic culture. The University of El Salvador and the Jesuit University of Central America are both located in the capital, San Salvador. Institutions of higher education have a combined enrolment in excess of 112,000.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Constitution prohibits the employment of children under the age of 14. Children may obtain permission to work where such employment is considered indispensable. This is most often the case with children of rural families who traditionally work during planting and harvesting seasons. The government and an autonomous entity ISPM work with UNICEF to improve and promote children's rights. The government also participates in the ILO's IPEC action programmes, and in conjunction with local NGOs, began a number of projects in 1999 designed to discourage children from working, to promote schooling and recreation, and to help develop economic options for children and their families. Several programmes were aimed at combating child labour in specific industries. In September 1999, the government joined local NGOs, the Coffee Growers Association, and IPEC to begin a project in the coffee sector to help remove children from the fields and enrol them in school. Other projects have been implemented to help children in the sugar plantation sector, and to remove child labourers from the clan-

destine factories producing fireworks. Many child labourers work as street vendors in urban areas. These children are vulnerable to sexual exploitation and there is strong evidence of a number of children being forced into prostitution. Nearly half the prostitutes in the capital, San Salvador, are children. In June 1999, the Legislative Assembly added to Criminal Code lengthy prison sentences for individuals convicted of sexually exploiting children. An NGO study estimated 1,000 children live on their own in the streets, 42 percent of whom are under the age of five. Children may be recruited into the armed forces of El Salvador at age 16.

**TRADE UNION RIGHTS:** Government workers may not form unions or go on strike. They are allowed to form professional and employee associations and these groups take on the same responsibilities as unions. In practice, the associations bargain collectively and go on strike. Disputes are settled by mandatory arbitration.

El member organisation / Membership:

- Asociación Nacional de Educadores Salvadoreños (21 DE JUNIO, ANDES) / 5,000  
to Gremial de Maestros de El Salvador (SIMES) / 3,100

Population < 15:	42%	% GNP spent on education:	1.7%*
Illiteracy:	25.8% <sup>m</sup> /41% <sup>f</sup>	Life expectancy at birth:	64
Pre-primary gross enrolment:	35%	School life expectancy [years]:	N/A
Net enrolment first level:	76% <sup>m</sup> /69% <sup>f</sup>	% 1995 cohort reaching grade 5:	52% <sup>m</sup> /47% <sup>f</sup>
Secondary gross enrolment:	26%	Tertiary students per 100,000:	804
Primary pupil teacher ratio:	35	% govt. expenditure on education:	15.8%*

\* Ministry of Education only

Child Risk Measure: 33 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Education is free at all levels and primary education is compulsory for all children up to the age of 12 or to the sixth grade. Despite a serious shortage of schools, the influx of pupils returning from exile, the devastation of Hurricane Mitch in 1998, and the fact that 83 percent of the population live in poverty, there was a decisive improvement in primary school enrolment in 1999. Approximately 2.3 million children, between the ages of five and 12, enrolled, which was a 15 percent increase from the previous year. The Ministry of Education reported that 2,841 communities now have access to educational services for the first time. The Ministry placed a particular emphasis on the education of girls. In the past, only one of eight girls who begin school graduate from the sixth grade. In 1999, 46,000 girls received incentive scholarships. Even with this progress, hundreds of thousands of school-age children remain completely outside the educational system. The country's Indigenous peoples are conservatively estimated as 44 percent of the population. Many Indigenous rural people are illiterate or do not speak Spanish. The government is committed to providing increased resources to bilingual education for the 22 separate Indigenous groups. Guatemala has five universities.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Constitution bars employment of children under the age of 14 without written permission of the Ministry of Labour. However, the law is not enforced effectively and there are approximately two million child labourers. Child labour is a serious problem in the agricultural sector and in the informal economy: in particular, domestic service, construction, family businesses, stone quarrying, and fireworks manufacturing. Many children who work illegally are open to exploitation, generally receive no social benefits, social insurance, vacations, or severance pay, and are paid below the minimum rates. There are some 6,000 street children, mainly in Guatemala City. They are frequently exploited by criminal gangs. The UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography found, in July 1999, that child prostitution and trafficking in children were major problems. The implementation of a new

Minors' Code which would offer greater protection to children's physical and emotional needs was postponed in 1999, due to strong opposition from the Roman Catholic Church, in particular, on the grounds that the Code derogated parental rights and threatened the integrity of the family.

**TRADE UNION RIGHTS:** All workers have the right to form or join unions, including public sector employees. Workers have a right to strike but the right is encumbered by complicated legal procedures. Legislation allows the state to intervene forcefully should strikes threaten the orderly functioning of society. It also imposes compulsory arbitration without recourse to strike action in public services that are not essential services. The 1996 Act has been opposed as unconstitutional and contrary to ILO commitments. The right to organise and bargain collectively is hindered by the law, inexperience, and management's widespread hostility to unionism.

El member organisation / Membership:

- Colegio de Maestros de Guatemala (CMG) / 2,320
- Sindicato de Trabajadores de la Educación de Guatemala (STEG) / 4,000

Population < 15:	43%	% GNP spent on education:	3.6%
Illiteracy:	27.1%	Life expectancy at birth:	68m/72f
Pre-primary gross enrolment:	14%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	985
Primary pupil teacher ratio:	35	% govt. expenditure on education:	16.5%

Child Risk Measure: 18 [reg.ov. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Honduras spent 1999 recovering from the effects of Hurricane Mitch. It killed several thousand citizens, left two million homeless, and caused \$US 3 billion in damage, including the destruction of many school buildings. The government allocated 32 percent of its 2000 budget to public education and health care but this was insufficient to address the needs of the nation's children. Notionally, Honduras provides free, universal and compulsory primary education up to age 14. The government's own estimate is that each year at least 175,000 children fail to receive schooling of any kind. In 1998, before Hurricane Mitch struck, 18 percent of first year, grade 1, pupils failed to enrol. Literacy has improved, however, in the last ten years from 60 percent to 73 percent. The National Autonomous University of Honduras, in Tegucigalpa, is the major institution of higher education. It has some 35,000 students. There are three credible private universities.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The employment of minors under the age of 16 is prohibited, except that a child who is 15 years of age is permitted to work with the permission of parents and the Ministry of Labour. The Children's Code prohibits a child of 14 years of age or less from working, even with parental permission. Violations of the Code occur frequently in rural areas and in small companies. Many children work on small family farms, as street vendors, or in small workshops to supplement the family income. According to the Ministry of Labour, an estimated 350,000 children work illegally. The Ministry identified child labour in the construction industry as an especially significant problem. The government's own estimate is that there are now 8,000 street children in Tegucigalpa and San Pedro Sula. Typically, the children are on the streets because of severe family problems, or abandonment. About 40 percent of these children are engaged in prostitution and related worst forms of child labour. Approximately 30 percent of street children are HIV positive. Amnesty International's Annual report for 2000 asserts that more than 50 street children were murdered during 1999 as a result of 'social cleansing' cam-

paigns by vigilante death squads or the police. Children may be recruited into the armed forces at age 17.

**TRADE UNION RIGHTS:** Workers have the legal right to form and join trade unions, and the law protects workers' rights to organise and to bargain collectively. Employer instigated associations undermine the functioning of unions. Compulsory arbitration can be imposed on disputes in non-essential public services. The Constitution provides for the right to strike, however, the Civil Service Code, denies the right to strike to all government workers, other than the employees of state-owned enterprises. Nonetheless, public sector teachers conducted a series of stoppages during 1999. They joined other public sector employees in August in protest at the government's plans to privatise state-owned enterprises. Teachers took part in a mass strike in September, demanding increased wages.

**El member organisation / Membership:**

- Colegio Profesional 'Superación Magisterial' Hondureño [COLPROSUMAH] / 36,429
- Colegio de Profesores de Educación Media de Honduras [COPEMH] / 7,000
- Colegio Profesional Unión Magisterial de Honduras [COPRUHM] / 1,280
- Colegio Profesional Hondureño de Maestros [PRICPHMA] / 12,000



Population < 15:	34%	% GNP spent on education:	4.9%
Illiteracy:	7.4% <sup>m</sup> /11.6% <sup>f</sup>	Life expectancy at birth:	72
Pre-primary gross enrolment:	73%	School life expectancy [years]:	11.2
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	86%
Secondary gross enrolment:	64%	Tertiary students per 100,000:	1,739
Primary pupil teacher ratio:	28	% govt. expenditure on education:	23%

Child Risk Measure: 11 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (96) (100) (105) (111) (126) (169) (182)

**EDUCATION RIGHTS:** Nearly 91 percent of Mexican children received some sort of early childhood education in 1998. Since 1992 nine years of schooling have been compulsory. The federal government, which funds public schools, made parents legally liable for their children's attendance. The government provides an incentive programme of financial assistance for the families of poor children. The programme is credited with keeping an additional 100,000 children in school in 1999. Despite increases in the numbers of schoolrooms, teachers and educational supplies, nearly 15 percent of all school-age children do not attend school on a regular basis. Although nearly three-fourths of all primary public schools are located in rural areas, such schools are less well developed than those in the major cities and often do not cover the full primary cycle. The majority of the Indigenous peoples of Mexico, who make up about 12 percent of the population, live in extreme poverty. The General Education Act states that the language of instruction shall be in Spanish, 'without prejudice to the protection and promotion of Indigenous languages.' Statistics suggest that the majority of the Indigenous population speak only their native tongue, that they suffer from a higher rate of illiteracy than the general population and a lower rate of school attendance. In some parts of Mexico Indigenous communities have set up their own schools and teacher-training institutions to promote and protect their language, culture and way of life. Of the more than 50 universities in the country, one-fifth are located in Mexico City. Mexico has about 13,000 institutions of higher education, which together enrol some four million students annually. In Mexico City, during 1999, students participating in a strike at the National Autonomous University were abducted, ill-treated and threatened with death by agents of the state.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The law sets the minimum legal work age at 14. Those between the ages of 14 and 15 may work only limited hours, with no night or hazardous work. Enforcement is reasonably good in export industries and those under federal jurisdiction, but remains inadequate in

coverage of small companies and in agriculture and construction. The National Education Council reported in August 1998 that 1.7 million school-age children were not in school. The ILO states that 18 percent of Mexican children aged between 12 and 14 are child labourers. Free transport has facilitated internal migration for seasonal agricultural workers from southern states to the north. This has led to a significant increase in child labour. There are 40,000 street children in Mexico City. They are particularly vulnerable to exploitation. Worst forms of child labour, including prostitution and pornography, are a problem. The National Human Rights Commission attempts to protect children by educating them on their rights and reviewing legislation to ensure compliance with relevant international conventions. Children may be recruited into the armed forces at age 16.

**TRADE UNION RIGHTS:** About 25 percent of the total workforce is unionised, mostly in the formal sector. The public sector is almost entirely organised. There are certain provisions in Mexican law that limit the rights of public servants to join unions. The ILO continued to criticise the fact that both federal law and the Constitution provide that only one union can be formed in each government agency or state enterprise. Mexico's Supreme Court issued a decision in May 1999 upholding the right of workers to form more than one union in any government agency. Although freedom of association and other trade union rights are recognised in the Constitution and law, the right to organise and the right to strike is not always respected in practice. The government system of labour tribunals limits freedom of association, and even when court victories were obtained by workers, government enforcement did not always follow, according to Human Rights Watch. The law permits public sector strikes. Informal strikes in the public sector are more frequent than official ones. In January 1999, a section of EI affiliate, SNTE, called two strikes in support of five of its leaders who had been arrested and faced charges of mutiny, kidnapping and robbery. The charges related to their occupation in November 1998 of the Federal Senate, when they were alleged to have taken six senators hostage. The five leaders were released after 34 days detention, and the charges against them were reduced.

EI member organisation / Membership:

o Nacional de Trabajadores de la Educación (SNTE) / 1,300,000

Population < 15:	40%	% GNP spent on education:	N/A
Illiteracy:	32.5%	Life expectancy at birth:	67m/71f
Pre-primary gross enrolment:	23%	School life expectancy [years]:	N/A
Net enrolment first level:	76% <sup>m</sup> /79% <sup>f</sup>	% 1995 cohort reaching grade 5:	47%
Secondary gross enrolment:	50% <sup>m</sup> /60% <sup>f</sup>	Tertiary students per 100,000:	1,209
Primary pupil teacher ratio:	36	% govt. expenditure on education:	N/A

Child Risk Measure: 22 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** When the Sandinistas came to power in 1979 they inherited one of the poorest education systems in Latin America. Although nearly 30 percent of Nicaraguans are illiterate, this is a considerable improvement over the period of the Somoza regime when illiteracy was more than 50 percent and 75 percent in rural areas. Free education was introduced in the 1980s. Education is now compulsory to the sixth grade, from age six to 13 years, but this provision is not enforced. Twenty-seven percent of first graders were out of school in 1998. Many children do not attend secondary school because of lack of facilities, especially in rural areas. A constitutional provision known as the 'six percent rule' allocates six percent of the annual budget to higher education, often at the expense of funding for primary and secondary education programmes, which are inadequately funded. Approximately 50,000 students attend Nicaraguan institutions of higher education, including the National Autonomous University of Nicaragua, in Leon, and the Central American University and the Technical University of Nicaragua, both in Managua. In April 1999, student demonstrations demanding increased government funding for universities led to violent confrontations between police and students, which resulted in one student death and several police and student injuries. The situation was defused in May when the National Assembly reached a compromise agreement on university funding after talks with university and student representatives. There are serious problems related to the education needs of the Indigenous people, who are about five percent of the population. They commonly live in the remote hinterland where they are provided with some 200 primary level schools, frequently under the de facto control of missionaries. Most Indigenous know only their own language and some English and only about 20 percent are literate.

**ACADEMIC FREEDOM:** During the transition period between Sandinista and Chamorro governments, the outgoing Sandinistas granted the country's six universities academic, financial and administrative autonomy. After some hesitation the Chamorro government accepted basic ingredients of this reform.

**CHILD LABOUR:** The 1996 Labour Code raised the age at which children may begin working with parental permission from 12 years to 14 years. Parental permission to work is also required for 15 and 16 year olds. Child labour rules are enforced in the small formal sector of the economy. UNICEF reported that 20 percent of children from ages six to nine years of age work and the Labour Ministry estimated that about 100,000 children under age 14 are illegally employed. Of these, it estimated that 72,000 were employed in the annual harvests of coffee, cotton, bananas, tobacco and rice. Children age ten or older often work on plantations for less than \$US 1 a day. According to Ministry of the Family, the incidence of child prostitution has increased. Girls as young as 10 years of age are involved in this worst form of exploitation. There were cases of trafficking in girls for the purpose of forced prostitution. The Ministry of Labour reported that some children were forced to beg by parents, or 'rented' by parents to organised gangs for purposes of begging. Children may be recruited into the armed forces at age 17.

**TRADE UNION RIGHTS:** Legally, all public and private sector workers (except the police and those in the military) may form and join unions of their own choosing. There were reports in 1997, however, that the authorities colluded with foreign investors to stop unionisation in the Free Trade Zones. Workers may strike legally only after they have demonstrated that they have just cause to strike and have exhausted other avenues of dispute resolution. The 1996 Labour Code reaffirms the constitutional right to bargain collectively.

El member organisation / Membership:

- Confederación General de Trabajadores de la Educación de Nicaragua (CGTEN – ANDEN) / 12,520
- Asociación Nacional de Maestros de Nicaragua (CNMN) / 15,000

Population < 15:	31%	% GNP spent on education:	5.3%
Illiteracy:	8.8%	Life expectancy at birth:	74
Pre-primary gross enrolment:	76%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	3,025
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	20.9%

Child Risk Measure: 9 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is free and compulsory up to the ninth grade, and between the ages of six and 15. However, in remote areas children do not always attend school due to lack of transportation, traditional attitudes, and insufficient government resources to enforce the law. A World Bank Group project has invested \$US35 million in improving the quality of basic education available to lower income children in the 185 poorest townships in the country, and in the expansion of early childhood education. Eight percent of the population identifies as Indigenous. The Constitution calls for bilingual literacy programmes, however, generally the Indigenous groups have a high rate of illiteracy. The Antillean black population, who make up seven to eight percent of the population, came from the former British West Indies as plantation workers early in the 20th Century. They later became the mainstay of the Panama Canal workforce. They tend to be bilingual in English and Spanish and value education as a means to advancement. There are three universities.

**ACADEMIC FREEDOM:** The law provides for academic freedom, which generally was respected by the government. In 1997 officials at the University of Panama took steps to silence two prominent professors who publicly alleged corrupt practices at the university.

**CHILD LABOUR:** The law prohibits the employment of children under 14 years of age as well as those under 15 years if the child has not completed primary school. Children between the ages of 12 and 15 may perform farm or domestic labour as long as the work is light and does not interfere with the child's schooling. Child labour violations occur most frequently in rural areas during the harvest of sugar cane, coffee and tomatoes. Many young children are involved in subsistence agriculture.

**TRADE UNION RIGHTS:** Private sector workers have the right to form and join unions of their choice. The 1994 Civil Service Law permits most government workers to form public employees associations but they do not have the benefit of union protection. Under The Civil Service law, public sector workers may be promoted to the civil service and thus enjoy some right to bargain collectively, strike and evade summary dismissal but only a small percentage of 150,000 public sector workers are graded as civil servants.

The ILO has observed for some years that the restrictions on public sector workers are inconsistent with obligations under ILO Convention 87.

Organisation / Membership:  
Movimiento Unido (MPU) / 3,000



Population < 15:	39%	% GNP spent on education:	3.9%*
Illiteracy:	6.2% <sup>m</sup> /8.8% <sup>f</sup>	Life expectancy at birth:	70
Pre-primary gross enrolment:	51% <sup>m</sup> /71% <sup>f</sup>	School life expectancy [years]:	10
Net enrolment first level:	91%	% 1995 cohort reaching grade 5:	91%
Secondary gross enrolment:	42% <sup>m</sup> /45% <sup>f</sup>	Tertiary students per 100,000:	948
Primary pupil teacher ratio:	21	% govt. expenditure on education:	18.6%*

\* Ministry of Education only.

Child Risk Measure: 8 [reg.av. 10]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** The number of children receiving some form of early childhood education doubled between 1990 and 1998. Primary education is free and compulsory from seven to 14 years of age. Seventy five percent of children survived to grade 5 in 1998, but only 60 percent completed grade 6. In some rural areas the latter figure is as low as three percent. Recently, the government made education compulsory through to grade 7 and plans to extend it through to grade 9. However, it currently lacks the resources to carry out these improvements. The population of Paraguay is very young, with 41 percent, in 1999, under the age of 15, and 60 percent under age 20. The number of schools is insufficient, especially in rural areas, and adequate teaching resources are scarce throughout the country. Paraguay is officially bilingual. Since 1992, the Constitution has recognised both Spanish and Guaraní as a language of instruction. Guaraní derives from the Tupi-Guarani group of Amer-Indian languages and is considered a defining aspect of Paraguay's cultural inheritance. Several hundred thousand people who live in the eastern departments are Lusophone, the result of mass migration from Brazil during the 1970s. There are also German-speaking Mennonite colonies who run their own schools. Significant Japanese, Korean and Chinese groups are multilingual and, by the second generation, in the mainstream of the education system. Estimates of the Indigenous population vary greatly: from 40,000 to 100,000. Roman Catholic mission schools tend to instruct in Indigenous languages, giving some hope for the preservation of language and culture. In contrast, more recent missionary endeavour, by Christian fundamentalist groups, has been unrelenting in its efforts to eliminate all traces of Indigenous culture and language. There are two universities, the public National University and the Roman Catholic University of Our Lady of the Assumption. Both are in the capital, Asunción. Fifty percent of university graduates are women.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Minors between 15 and 18 years of age may be employed only with parental authorisation. Children between 12 and 15 years of age may be employed only in family enter-

prises, apprenticeships, or in agriculture. The Labour Code prohibits work by children under 12 years of age. These restrictions are not enforced in practice. UNICEF reports that one-third of children between the ages of seven and 17 years are in the workforce, many in unsafe labour conditions. Recent studies indicate that 42 percent of child labourers began working by the age of eight. Girls who work as domestic servants and child-minders are susceptible to mistreatment, including sexual abuse, and are usually denied access to education. There have been several cases of arrests and closures of brothels where young girls were involved in prostitution. There are as many as 7,000 street children in Asunción. The official age for military recruitment is 17 years of age. Children have been reliably reported as being forcibly conscripted into the armed forces at age 15 or younger. In some cases, poor families send their underage children to the armed forces to obtain economic benefits. Amnesty International's report for 2000 notes a decline in forced underage recruitment.

**TRADE UNION RIGHTS:** The 1993 Labour Code excludes public servants, but a transitional provision of a 1995 law gave them the right to form and join unions and to strike, pending the adoption of a new law on the subject. A bill was submitted to Congress in 1999 with a favourable opinion from the parliamentary committee. The ILO Committee of Experts has noted deficiencies in the application of certain Conventions ratified by Paraguay. These include Conventions dealing with minimum-wage fixing machinery, abolition of forced labour, minimum age of employment, freedom of association, equal remuneration, and employment policy. The law provides for collective bargaining, and the number of negotiated collective contracts has grown in recent years. According to the Constitution, arbitration is optional. The registration process for unions is cumbersome. After 40 years of very repressive dictatorship and just ten years of democracy, the trade union movement is relatively young but active and growing.

El member organisation / Membership:

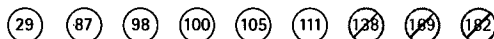
de Trabajadores de la Educación del Paraguay (OTEP) / 5,200



Population < 15:	35%	% GNP spent on education:	2.9%
Illiteracy:	6% <sup>m</sup> /16.2% <sup>f</sup>	Life expectancy at birth:	68
Pre-primary gross enrolment:	36%	School life expectancy [years]:	12.4
Net enrolment first level:	91%	% 1995 cohort reaching grade 5:	77% <sup>m</sup> /80% <sup>f</sup>
Secondary gross enrolment:	72% <sup>m</sup> /67% <sup>f</sup>	Tertiary students per 100,000:	3,268
Primary pupil teacher ratio:	27	% govt. expenditure on education:	19.2%

Child Risk Measure: 19 (reg.ov. 10)

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Fifty percent of the population of Peru is poor and a further 15 percent indigent, but compared to other social welfare indicators the country has a relatively high rate of literacy. Public education is free and compulsory for all children between the ages of six and 15. Many children in rural areas, however, do not attend secondary school because of lack of facilities or the need to support their families from an early age by working in the informal sector. Roughly six percent of children between the ages of six and 12, and 17 percent between the ages of 13 and 17, have either never attended school or have abandoned their education. Among children who live in poverty and abject poverty the figures are 16 percent and 43 percent. Non-attendance is highest in rural and remote areas and affects girls more than boys. Recent regulations require all schoolteachers to have professional teaching certification. It was reported in the 1st edition of the Barometer that this might result in many Indigenous teachers being replaced by teachers who do not speak any of the Indigenous languages, thereby further jeopardising the survival of Indigenous cultures and languages. However, these consequences did not in fact eventuate because of the unwillingness of most certified teachers to work in remote rural areas. In the main, Indigenous teachers have been retained, with or without certification. There are 27 national and 19 private universities, all government regulated and recipients of public funding. The National Autonomous University of San Marcos was founded in 1551.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Child labour is a serious problem. The Centre of Social Studies and Publications [CESIP] states that there are more than two million children working in Peru. Approximately 800,000 children between the ages of six and 14 are illegally working, and there are 1,200,000 between the ages of 15 and 17 in the workforce, many of them employed in high-risk occupations. Legally, the minimum age for employment is 15, however children between 12 and 14 may work in certain jobs to help support their families if they obtain special permission from the Ministry of Labour and certify they are also attending school. Child labour is heavily used in the



agricultural sector. In the informal gold mines, many workers are under age 15, and some are as young as 11. These child labourers were pressed into service through a recruitment system known as *enganche*. Under this system, the children are provided free transportation to the mines and allegedly agree to work for at least 90 days before being paid. They work in harsh conditions without proper medical care, are often subjected to physical and sexual abuse, and at times are deprived of their pay. In 1999, Ministry of Labour inspections were diligent in reducing child labour in the mining sector. Child labourers work in other high-risk areas, including brick kilns, stone quarries, and cottage fireworks factories. It is fashionable for urban middle-class families to have girl children as domestic servants. In theory, but seldom in practice, households are obliged to permit their girl servants to attend school and to cover other costs, such as social security. Around 100,000 children, aged six to 14 years, work in these slave-like conditions. Children may be recruited into the armed services of Peru at age 16. El affiliate, SUTEP, has developed an action programme mobilising its members to work for the elimination of child labour.

**TRADE UNION RIGHTS:** Changes to labour and employment laws have drastically undermined trade union rights. Privatisation of state companies meant that hundreds of thousands of workers lost their jobs in the public service, state-owned and private sectors. The 1992 Industrial Relation Act bans public servants' federations or confederations from joining organisations representing other categories of workers. The ICTFU asserts that laws promulgated by the Fujimori administration in 1992, and provisions in the 1993 Constitution, fail to protect the right workers to form unions. Amending legislation in 1995-96 further restricted workers rights, including the right to bargain collectively. Although the Constitution recognises the right of public and private sector workers to organise and bargain collectively, it specifies that this right must be exercised in harmony with broader social objectives. The ILO Committee on Freedom of Association has noted that the legislation fails to protect workers and their organisations against anti-union discrimination and interference by employers. El affiliate, the Sindicato Unico de Trabajadores en la Educación del Peru, has been a strong voice in expressing social and economic discontent in Peruvian society.

Population < 15:	24%	% GNP spent on education:	3.3%
Illiteracy:	2.9% <sup>m</sup> /2.1% <sup>f</sup>	Life expectancy at birth:	72m/79f
Pre-primary gross enrolment:	45%	School life expectancy [years]:	N/A
Net enrolment first level:	93%	% 1995 cohort reaching grade 5:	96% <sup>m</sup> /99% <sup>f</sup>
Secondary gross enrolment:	85%	Tertiary students per 100,000:	2,458
Primary pupil teacher ratio:	20	% govt. expenditure on education:	15.5%

Child Risk Measure: 6 [reg.av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Primary and secondary education has been free, compulsory, secular and basically coeducational since the late 19th century. The education system requires nine years of school attendance. Ninety-five percent of children complete their primary education. The literacy rate and secondary school enrolment rates are the highest in Latin America. Ninety percent of primary schools are public. General education in secondary schools encompasses six years of instruction divided into two three-year cycles, the first cycle being compulsory. Although some 40 percent of secondary schools are private, over 80 percent of students are enrolled in public schools. Institutions of higher education include about 40 teacher-training colleges and teachers are considered well qualified. The government is committed to extending education to the country's poorest children and is doing so with the help of UNICEF. There is some deficiency in facilities, and materials, especially in rural areas. Female enrolment at secondary and university levels is slightly higher than male enrolment. There is one public university, the University of the Republic, and one private, the Catholic University of Uruguay. Education free at the public university. The fact that both the institutions are in Montevideo disadvantages students from the interior departments. A lack of suitable employment opportunities for graduates has caused a substantial level of emigration by young Uruguayan professionals.

**ACADEMIC FREEDOM:** The government respects academic freedom

**CHILD LABOUR:** Illegal child labour is not considered a serious problem. By law, children under 15 years of age are not allowed to work unless granted a special permit; and this law is enforced. Children under the age of 18 may not perform dangerous, fatiguing or night work. Controls over the salaries and hours for children are stricter than those for adults. Children over the age of 16 may sue for payment of wages, and children have a legal right to dispose of their own income. However, many children work as street vendors in the expanding informal economy or in the agricultural sector, which are generally less strictly regulated and where pay is lower.

**TRADE UNION RIGHTS:** Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. About 13 percent of the workforce is unionised. The Constitution provides workers with the right to strike. Collective bargaining between companies and their unions determines a number of private sector salaries. But in the public sector the executive branch determines salaries.

El member organisation / Membership:

- Federación Democrática de Maestros y Funcionarios de Educación Primaria (FEDMYFEP) / 1,600
- Maestros Docentes de Uruguay (UTU) / 3,600

Population < 15:	33%	% GNP spent on education:	5.2%
Illiteracy:	7.7% <sup>m</sup> /8.9% <sup>f</sup>	Life expectancy at birth:	70 <sup>m</sup> /76 <sup>f</sup>
Pre-primary gross enrolment:	44%	School life expectancy [years]:	N/A
Net enrolment first level:	83% <sup>m</sup> /85% <sup>f</sup>	% 1995 cohort reaching grade 5:	86% <sup>m</sup> /92% <sup>f</sup>
Secondary gross enrolment:	33% <sup>m</sup> /46% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	21	% govt. expenditure on education:	22.4%

Child Risk Measure: 16 [reg.av. 10]

Ratification of ILO Conventions:

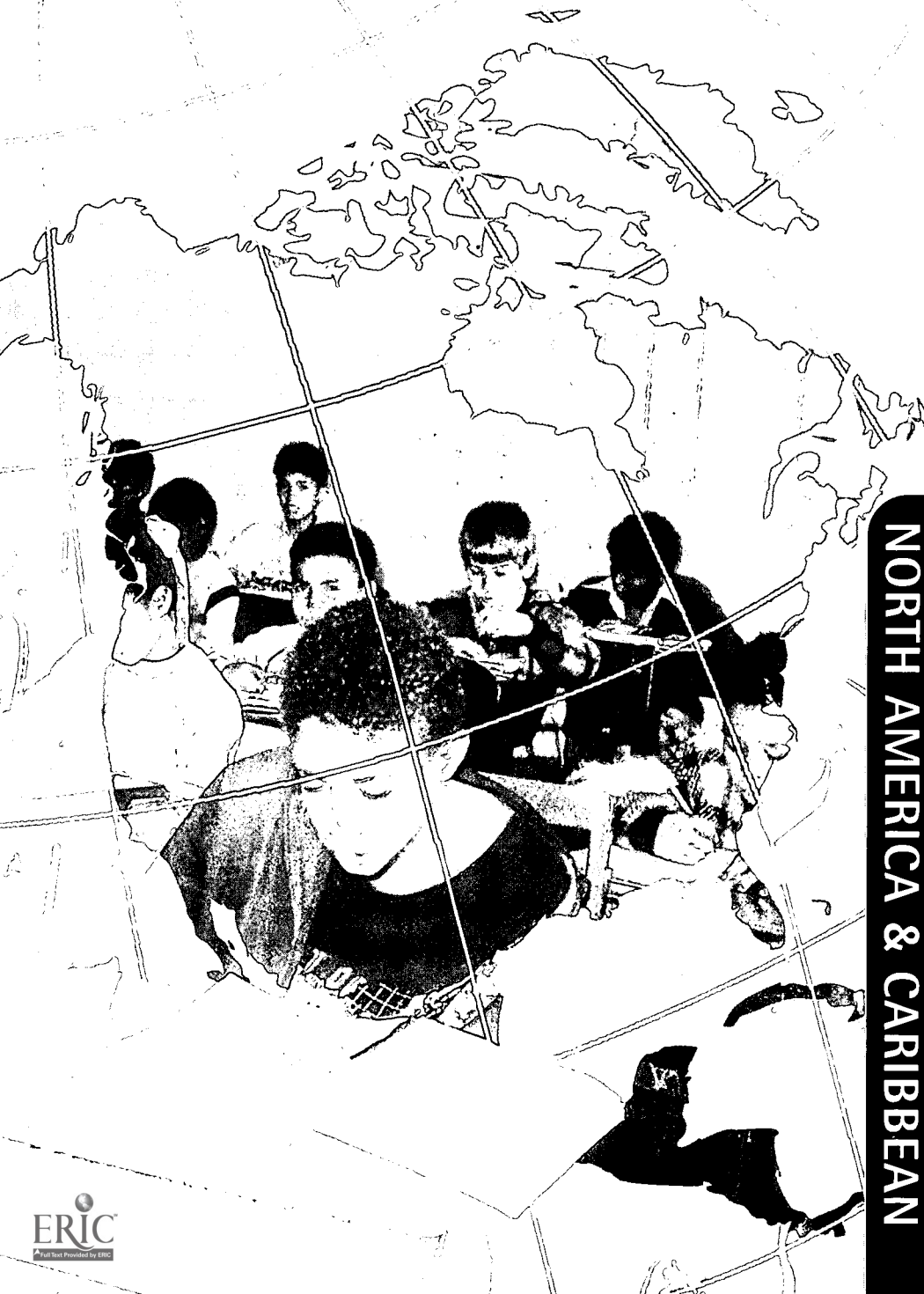


**EDUCATION RIGHTS:** Education is compulsory, free and universal for ten years between the ages of five and 15. However, 64 percent of children leave school before the ninth grade. The government continued to cutback on education expenditure in 1999. About one-third of the Ministry of Education's budget was dedicated to higher education, leaving primary and secondary education chronically under funded. According to UNICEF, only 76.5 percent of children enrol grade 1, leaving 750,000 eligible children outside the education system. Over 400,000 children are ineligible for free public education because their births are not properly documented. In an attempt to address this problem, a 1998 regulation requires hospitals to register all births. The government subsidises Roman Catholic schools. The Indigenous peoples number about 315,000. They typically live in isolated rural areas and lack access to education. Women account for half the student body in most universities. In February 1999, a student died as a result of police tear gas and pellet guns used against a peaceful student protest at the University Institute of Technology in Cumana.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Enforcement of child labour policies is adequate in the formal sector of the economy. It is ineffective in the informal sector, which accounts for the vast majority of child labourers. A programme formulated, five years ago, would have provided better protection for child labourers in the informal sector, but was shelved indefinitely due to lack of funding. The estimated 1.2 million children who work in the informal sector, generally work more hours than permitted under the law. The Labour Code states that children between the ages of 14 and 16 may not work in mines or smelters, in occupations that risk life or health, that could damage intellectual or moral development or in public spectacles. The National Institute of Minors determined that 206,000 children were involved in illicit activities, principally begging and pretty theft, and in worst forms of child labour, such as prostitution and drug trafficking. Seventy six percent of children live in poverty and increasing poverty has led to a rise in abandonment.

**TRADE UNION RIGHTS:** The comprehensive 1990 Labour Code extends to all private sector and public sector employees the right to form and join unions of their choosing. The law recognises the right of public and private sector employees to strike. However, the Labour Code allows the President to order strikers back to work and submit their dispute to arbitration if the strike is deemed to endanger the 'lives or security of all or part of the population. The Labour Code protects and encourages collective bargaining. About 28 percent of the workforce is unionised. In August 1999, the National Constituent Assembly considered a draft decree that would dissolve the CTV trade union confederation, and national and regional federations. The decree would revoke the mandates of trade union executive committees, the assets of the unions would revert to the Assembly, and union leaders would be prevented from travelling abroad pending a government 'audit' of the unions. The authorities would run trade union elections. After internal and international protests, the decree was provisionally withdrawn but during 2000 the administration prepared new regulations with a view to dissolving the CTV. EI joined its affiliate, FETRAE, in 2000 to protest at the government's decision to appoint education supervisors from the rank and file of its political supporters. The teachers' union also protested at the government's unilateral decision to renounce an agreement with the union, which had been satisfactorily finalised in May 2000.



Population: 11,510

SEE FOOTNOTE

Population < 15:	27%	% GNP spent on education:	5.1%
Illiteracy:	5%	Life expectancy at birth:	75m, 81f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	99%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	20	% govt. expenditure on education:	N/A

SEE UNITED KINGDOM for ratification status of ILO Conventions.

**EDUCATION RIGHTS:** Education is free and compulsory between the ages of five and 14. There are six government primary schools and a comprehensive secondary school. Private early childhood education is subsidised by the government. The Territory relies on neighbouring countries with campuses affiliated to the University of the West Indies for tertiary education. A commitment to improve teacher training is a central platform of Anguilla's EFA Report.

**ACADEMIC FREEDOM:** Anguilla does not have a university or tertiary institution of equivalent status.

**CHILD LABOUR:** Although fishing is a source of foreign exchange, the main economic activities are tourism and an off-shore finance sector. Consequently, an increased civil service calls for a better educated population. The administration is addressing the number of pupils [boys in particular] who drop out of school before completing their primary education.

**TRADE UNION RIGHTS:** Although Anguilla has assumed a substantial measure of responsibility for the conduct of its own affairs it does not have the capacity to ratify international instruments. Britain, however, encourages its Overseas Territories to conform with international instruments and basic human rights and freedoms to which it is itself a party.

FOOTNOTE: Anguilla is an Overseas Territory of the United Kingdom. Executive power is in the hands of a governor appointed by the British Crown. The governor's responsibilities include public services.

Population < 15:	26%	% GNP spent on education:	13% [1999]
Illiteracy:	9%	Life expectancy at birth:	71.5 m/75.8 f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	95%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	11% [1999]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** In 1998, 92 percent of the eligible age group attended an early childhood development programme. Education is free and compulsory between five and 16. There are 30 public and 26 private primary schools, and nine public and four private secondary schools. In 1995 a severe hurricane seriously affected the islands' economy and set back the government's education programme. A recent report notes that boys are not succeeding as well as girls and are more likely to drop out of school prematurely. A free text book scheme has removed some barriers based on socio-economic circumstances. The Antigua State College offers a two-year teacher-training course. Antigua and Barbuda is a partner in the regional University of the West Indies.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** In keeping with the provisions of the Education Act, the law stipulates a minimum working age of 16 years. The political strength of the two major unions and the powerful influence of the government on the private sector combine to make the Ministry of Labour, which is required by law to conduct periodic inspections of workplaces, very effective in enforcement of this area. The government also employs officers to monitor school attendance, and parents or guardians who disregard the law are prosecuted.

**TRADE UNION RIGHTS:** Trade unions are free to organise and bargain collectively. Employers found guilty of anti-union discrimination are not required to re-hire employees fired for union activities, but must pay full severance pay and full wages lost by the employee from the time of firing until the determination of employer fault.

FOOTNOTE: Antigua and Barbuda gave refuge to several thousand Montserratians after the British Overseas Territory of Montserrat was devastated by a volcanic eruption in the mid 1990s. The refugees were absorbed into Antiguan society without significant impact on the unemployment rate. However, it placed a serious burden on the country's social services. The United Kingdom has responded with financial and other assistance. SEE ALSO MONTSEERRAT.

El member organisation / Membership:

Antigua and Barbuda Union of Teachers (A&BUT) / 1244



Population < 15:	27%	% GNP spent on education:	N/A
Illiteracy:	5.4% <sup>m</sup> /3.9% <sup>f</sup>	Life expectancy at birth:	68m/77.2f
Pre-primary gross enrolment:	9%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	22	% govt. expenditure on education:	17%

Ratification of ILO Conventions:

(29) (97) (98) (100) (105) (141) (126) (189) (182)

**EDUCATION RIGHTS:** In 1998, nearly 100 percent of children had access to some form of early childhood development programme. Education, compulsory between five and 16, is provided both privately [42 schools] and by the state [163 schools]. The College of the Bahamas has links with several Florida universities. The University of the West Indies has an extra-mural department in Nassau. There are 5,300 tertiary students. An estimated 30-40,000 Haitian citizens reside in The Bahamas legally and are provided for within the education system. On September 13-14th 1999, Hurricane Floyd wrecked havoc on most of the 28 inhabited islands. Some teachers had their homes destroyed or severely damaged. At least one school was completely wrecked and many sustained major damage.

**ACADEMIC FREEDOM:** The Government respects academic freedom.

**CHILD LABOUR:** The law prohibits the employment of children under the age of 14 for industrial work or work during school hours. Children under the age of 16 may not work at night. There is no legal minimum age for employment in other sectors, and some children work part time in light industry and service jobs. It is accepted that approximately 10,000 children are economically active, including garment home-workers.

**TRADE UNION RIGHTS:** Private sector and most public sector workers, including teachers, may form or join unions without prior approval. Almost one quarter of the workforce [and one half of the workers in the important hotel industry] belong to unions. In order to resolve disputes more quickly, the Industrial Relations Act was amended in 1996 to establish an industrial tribunal. According to the Act, labour disputes are first filed with the Ministry of Labour and then, if not resolved, are turned over to the tribunal. Workers freely exercise their right to organise and participate in collective bargaining, which the law protects.

El member organisation / Memberships:

- Bahamas Association of School Administrators (BASA) / 135
- Bahamas Union of Teachers (BUT) / 2,600

Population < 15:	23%	% GNP spent on education:	7.2%
Illiteracy:	2%	Life expectancy at birth:	72m/78f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	2,535
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	19%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is the largest item of government expenditure. The statistics for 1998 show that 89 percent of new entrants to grade 1 attended an early childhood development programme. Education is free and universally available at primary, secondary and tertiary levels, and compulsory for children between the ages of five and 16. There are 85 primary and 23 government secondary schools. Barbados also offers a number of private primary and secondary schools. The government has embarked on a seven-year programme to integrate children with special needs into the mainstream of the school system. Lawlessness and anti-social behaviour in society, and specifically as it affects teachers and students inside and outside of classrooms, is of special concern to teachers and their unions. The University of the West Indies has a campus at Cave Hill. Other tertiary institutions include a teachers' training college.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The legal minimum working age is 16. Compulsory primary and secondary education policies, which require school attendance until age 16, ensure the law is broadly observed. The Labour Department inspectors conduct spot investigations of enterprises and check records to verify compliance. Legal action may be taken against any employer who is found to have underage workers. In May 1998 the tripartite partners signed a protocol broadening express support for international efforts against child labour.

**TRADE UNION RIGHTS:** The Caribbean Congress of Labour has its headquarters in Barbados. All private and public sector employees are permitted to strike, but essential workers may strike only under certain circumstances. In response to the very stringent economic conditions proposed for Barbados by the International Monetary Fund and the World Bank in the early 1990s, trade unions joined together with the employers to negotiate with the government. An agreement was signed between government, unions and employers in August

1995 which covered both prices and salaries. A 1997 accord provided that anyone operating in Barbados must respect freedom of association and the right to organise and bargain collectively. However, in 1998 the Barbados Workers' Union faced severe difficulties in obtaining recognition from foreign-owned companies who not only sought to ignore industrial relations custom and practice but also to introduce their own restrictive proposals.

As a result of union action, the government agreed to address the issues and to consider appropriate legislative changes.

Population < 15:	41.6%	% GNP spent on education:	5%
Illiteracy:	25%	Life expectancy at birth:	75
Pre-primary gross enrolment:	26%	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	47%/52% <sup>f</sup>	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	26	% govt. expenditure on education:	19.5%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (169) (182)

**EDUCATION RIGHTS:** Education is compulsory between the ages of five and 14. It is nominal-ly free but textbook and uniform fees put education out of reach of poor children. At secondary level there is a severe shortage of schools and the state and private colleges are able to accom-modate only half the applicants. Most schools at primary and secondary level are run by three main religious denominations: Roman Catholic, Anglican and Methodist. Higher education is available at the three campuses of the University College of Belize which maintains close links with the University of Michigan, USA. The country is also affiliated to the regional University of the West Indies.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum age for employment is 14 years, or 17 years for employment near hazardous machinery. According to law, inspectors from the Ministries of Labour and Education enforce this regulation. In practice, school truancy officers bare the brunt of the burden and in recent years they have become more active. There is a pilot scheme to transfer juvenile offend-ers from prison to rehabilitation and job-training facilities. There are reliable reports of traffick-ing in children for the purposes of prostitution; most belong to vulnerable migrant groups.

**TRADE UNION RIGHTS:** Workers are free to establish and join trade unions. The law permits unions to strike; essential service unions must give three weeks notice. The law provides for col-lective bargaining and it is freely practised throughout the country.

EI member organisation / Membership:

Teachers' Union (BNTU) / 1,400

Population: 62,472

SEE FOOTNOTE

Population < 15:	20%	% GNP spent on education:	N/A
Illiteracy:	2%	Life expectancy at birth:	75m/79f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	17	% govt. expenditure on education:	N/A

SEE UNITED KINGDOM for ratification status of ILO Conventions

**EDUCATION RIGHTS:** Education is compulsory from age five to 16. It is free at pre-school, junior, special and secondary government schools. Approximately one third of Bermuda's 10,533 students attend private, fee-paying schools. The government operates 12 pre-schools, and 18 primary and 14 secondary schools. There are five private schools. Bermuda College's Centre for Adult and Continuing Education provides post-secondary vocational courses and a diploma programme. The Ministry of Education funds teaching training scholarships annually. A major five-year education upgrading programme started in 1996. Corporal punishment was abolished in December 1999.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The 1996 Education Act's Code of Conduct ensures school attendance and is rigidly enforced by the Ministry of Education.

**TRADE UNION RIGHTS:** A Code of Industrial Relations Practice was introduced at the beginning of 1996. The government regards this as a necessary measure to lower the number of industrial disputes: the Territory's nine registered trade unions consider it an attempt to reduce their influence. The Bermuda Union of Teachers represents all teachers employed in government schools. In February 2000 the Union negotiated an improved contract.

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FOOTNOTE: Bermuda is an Overseas Territory of the United Kingdom with a substantial measure of self-government.

El member organisation / Membership:  
Bermuda Union of Teachers (BUT) / 800



Population: 19,156

SEE FOOTNOTE

Population < 15:	21%	% GNP spent on education:	N/A
Illiteracy:	2%	Life expectancy at birth:	74m/75f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	16	% govt. expenditure on education:	N/A

SEE UNITED KINGDOM for ratification of ILO Conventions.

**EDUCATION RIGHTS:** Education is compulsory. It is free at the Islands' 15 primary and three secondary public schools. There are also eight private primary schools. Scholarships are available for students to go to the regional University of the West Indies and to attend universities in North America and Britain.

**ACADEMIC FREEDOM:** The territory does not have a university or tertiary institution of equivalent status.

**CHILD LABOUR:** N/A

**TRADE UNION RIGHTS:** N/A

FOOTNOTE: The British Virgin Islands is an Overseas Territory of the United Kingdom. The Territory has a substantial measure of responsibility for the conduct of its own affairs.

Population: 31,472,000

Population < 15:	20%	% GNP spent on education:	6.9%
Illiteracy:	Negligible	Life expectancy at birth:	76m/83f
Pre-primary gross enrolment:	64%	School life expectancy [years]:	16.5m/17.1f
Net enrolment first level:	96% <sup>m</sup> /94% <sup>f</sup>	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	105%	Tertiary students per 100,000:	5,953
Primary pupil teacher ratio:	16	% govt. expenditure on education:	12.9%


Child Risk Measure: Child Risk Measure: less than 5 [reg. av. 10]

Ratification of ILO Conventions:








**EDUCATION RIGHTS:** Canada does not have a national education system. Primary and secondary education is the responsibility of the provinces and territories. All Canadians must attend school from age six or seven [depending on the jurisdiction]. Education is free until the completion of secondary school and compulsory in all jurisdictions at least up to the age of 16. In recent years, as most provincial governments have moved to reduce deficits, per capita expenditures on education have fallen. The federal government is also responsible for the education of Aboriginals on reserves. According to the 1996 census, three percent of Canada's population identified themselves as Indian [First Nations], Metis, or Inuit. In January 1998 the government responded to a Royal Commission which made various recommendations regarding the Aboriginal peoples, including in education. An Action Plan has been developed, in consultation with the Indigenous political leadership, although it has been criticised by some groups as not going far enough. Canadian education must also meet the needs of more than 200,000 immigrants who arrive each year from over 150 countries, many of whom speak neither French or English. Provinces outside of Quebec do not always provide adequate French-language schooling, which is of concern to many francophones. New Brunswick and Ontario both have extensive networks of French language schools. These schools are governed by French language trustees and French language school boards or their equivalent [New Brunswick]. French immersion classes are reported to be thriving across Canada. Public schools had a religious status which is either Roman Catholic or Protestant. Many still have a religious status, but school boards in Quebec which traditionally were denominational [Catholic or Protestant] are now organised on a linguistic basis [English or French.] A Quebec government sponsored report proposes a change to a comparative religious programme, from a cultural perspective, for students of all faiths. School boards have until July 2001 to respond to the proposal. A controversial project to provide Canadian school classrooms nationwide with a daily commercial news/current affairs television show is strongly opposed by the Canadian Teachers' Federation and the Canadian Association of Media Education Organisations, in partnership with over forty educational organisations. They assert that a potent blend of advertising and a potentially vulnerable 'captive' audience is inconsistent with the programme's claims to be a purely education endeavour. In addition to the provinces, the federal government provides financial support for Canada's 76 universities and 204

community colleges and institutes of technology. A federal initiative in 2000 will provide 100,000 additional scholarships annually over the next ten years. Over 1.76 million students are enrolled in some form of higher education, which is three-quarters of secondary school graduates.

**ACADEMIC FREEDOM:** The federal government and the provincial governments respect academic freedom.

**CHILD LABOUR:** Child labour legislation varies from province to province. The federal government does not employ youths under 17 years of age while school is in session. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. These prohibitions are effectively enforced. The official age of child recruitment into the armed forces is 16.

**TRADE UNION RIGHTS:** The federal government of Canada and the various provincial governments continue to use legislation to interfere in the collective bargaining process in violation of the trade union rights of public employees, including teachers and others working in the education sector. The ILO critically observed that a series of legislative reforms in Ontario, since 1995, are incompatible with freedom of association standards and principles. In June 2000, before the summer four month recess, the government of Ontario rushed a Bill through Parliament which purports to override teachers' contracts. The Bill, now the Education Accountability Act 2000, attacks freedom of association and the right to treatment under the law. The Act gives school boards and principals sweeping powers to impose extra-curricular activities on teachers. The Act places no restrictions on the number of extra-curricular hours teachers must work or the conditions under which work is performed. The effect of the legislation, as it stands, gives the Minister of Education the power to invoke the law on a whim. The teacher unions are challenging the legislation under international law. In March 2000, the ILO Committee on Freedom of Association reported on allegations against the Ontario government brought by EI, the Canadian Teachers' Federation and other teacher organisations. The ILO Committee found that the 1998 Back to School Act was unreasonable in that it curtailed teachers' right to strike. The Committee recommended that future arbitration for the settlement of disputes concerning teachers in Ontario be voluntary and that the dispute settlement body be independent. The Committee also requested that consultations in good faith be undertaken prior to the adoption of collective bargaining legislation: a process which did not occur with the

Back to School Act. In October 1997, Ontario teachers withdrew from their classrooms for two weeks to protest the government's reorganisation plans for the school system. In July 1998 their action was vindicated when an Ontario Court determined that sections of the reorganisation were unconstitutional.

**EI member organisation / Membership:**

- Canadian Association of University Teachers / Association canadienne des professeurs et professeurs d'université [CAUT/ACPPU] / 3,333
- Centrale des Syndicats du Québec (CSQ) / 56,750
- Canadian Teachers' Federation [CTF/FCE] / 238,500
- Fédération Nationale des Enseignantes et Enseignants du Québec [FNEEQ/CSN] / 23,500
- Fédération des professeurs et professeurs d'Université [FQPPU] / 4,000



Population < 15:	27%	% GNP spent on education:	8.44% [2000]
Illiteracy:	6%	Life expectancy at birth:	75m/81f
Pre-primary gross enrolment:	71.4% [2000]	School life expectancy [years]:	12 [2000]
Net enrolment first level:	88.8% [2000]	% 1995 cohort reaching grade 5:	95%
Secondary gross enrolment:	88.3% [2000]	Tertiary students:	601 [2000]
Primary pupil teacher ratio:	22 [2000]	% govt. expenditure on education:	16.53% [1999]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Education is free and compulsory until age 16. The Commonwealth has embarked on a reform of basic education, largely funded by the World Bank. The reform involves school maintenance and improvements, the provision of textbooks and learning materials, and teacher training. There are 65 primary schools and 14 secondary schools. The present government has pledged to establish a national system of education for the island's 73 early childhood education facilities. Dominica has a teacher training college and an extra-mural department of the University of the West Indies. There is a Carib Amer-indian population of approximately 3,500. Most live on a reserve and have a degree of self-government. School facilities are rudimentary but similar to those available to other rural Dominicans.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum legal age for employment is 15 years. Employers generally observe this law without government enforcement. The government runs a Youth Skills Training Programme and has sought to introduce school-leavers to the principles of commercial agriculture.

**TRADE UNION RIGHTS:** All workers have the legal right to organise, to choose their representatives, and to strike, but unions represent less than 10 percent of the workforce. Unions have legally defined rights to organise workers and to bargain with employers. Collective bargaining is widespread in the non-agricultural sectors of the economy, including the government service.

Population < 15:	43%	% GNP spent on education:	4.7%
Illiteracy:	2%	Life expectancy at birth:	69m/74f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	535
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	10.6%

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Education is free and compulsory for children between the ages of six and 14 years. There are 57 primary schools and 19 public secondary schools. Only a third of Grenadian children advance to secondary education. There are several post-secondary institutions and an extra-mural department of the University of the West Indies.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Child labour is illegal and does not occur in the formal sector. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labour enforce this provision in the formal sector by periodic checks. Enforcement efforts in the informal sector are not good. Some children work in the agricultural sector.

**TRADE UNION RIGHTS:** Thirty-five percent of the workforce is unionised. Union leaders play a significant role in the political process, and one labour leader serves in the Senate on behalf of the Grenada Trades Union Council. Workers in the private and public sectors are free to strike, once legal and procedural requirements are met. Workers are free to organise and to participate in collective bargaining. In June 2000, teachers boycotted classes to protest the government's offer of a four percent pay rise. The government rejected the Grenada Union of Teachers proposal for a 17 percent salary increase as unrealistic.

Population < 15:	30%	% GNP spent on education:	5%
Illiteracy:	see Education Rights	Life expectancy at birth:	59m/65f
Pre-primary gross enrolment:	89%	School life expectancy [years]:	9m/9.9f
Net enrolment first level:	87%	% 1995 cohort reaching grade 5:	91% <del>m</del> /92% <del>f</del>
Secondary gross enrolment:	73% <del>m</del> /78% <del>f</del>	Tertiary students per 100,000:	956
Primary pupil teacher ratio:	35 [2000]	% govt. expenditure on education:	10%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (138) (189) (182)

**EDUCATION RIGHTS:** Between the ages of five and 14 education is free, compulsory [officially] and universal [nominally]. Guyana is a very poor country and over half the population live in abject poverty. Children are affected more severely than any other group. Schools and colleges with reasonable facilities and experienced staff do exist in the capital, Georgetown. Beyond the capital there is inequality of access to quality education at all levels. Children living in slum districts and squatter camps lack privacy and the opportunity to study. They are often not able to attend school regularly because their families require them to contribute to running the household or providing child care. In Guyana's vast rural hinterland, there is no incentive for trained teachers to take positions because of inadequate housing, non-existent resources, and the long periods of isolation that occur during the rainy season. Children living in the interior receive inferior primary schooling and have little or no access to secondary education. The EFA Report for Guyana shows the official functional literacy figure [98 percent] to be a myth. The report states that pupils often leave primary school unable to read. A further survey reveals that many students are severely deficient in such basics as written expression, even after four years secondary schooling. Education problems facing Guyanese society are compounded by a decline in the number of trained teachers. Teachers' salaries and working conditions are not competitive with those offered in more developed countries. In the last 20 years the education sector has lost many of its most experienced teachers through emigration. Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, are a serious concern. Only recently has there been any acknowledgment that an intolerant society - on issues of race, culture, class - impacts negatively on children in the classroom. Indigenous Amer-indian peoples make up eight percent of the country's population. Their education is hampered by the fact they live in remote parts of the interior and tend to be nomadic. All teaching is in English and Indigenous languages face extinction. Guyana has a state-financed university. Students are required to pay a major part of tuition costs but many have been able to finance their attendance through government loan schemes.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** Legally, no person under age 14 may be employed in any industrial undertaking and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family are employed.

In farming communities many children work along-side their parents and do not attend school regularly. The country's social services do not have sufficient trained staff to deal adequately with cases involving abuse, neglect, child labour and other forms of exploitation. It is common to see very young children engaged in street trading in Georgetown. UNICEF reports the practice of some girl children trading sexual favours for money. Up to three percent of the population of Guyana emigrates each year. An authoritative report asserts that departing parents and guardians often simply leave their children behind to fend for themselves.

**TRADE UNION RIGHTS:** The Trade Unions Recognition Law, effective 1999, requires employers to recognise the union chosen by a majority of workers. It also codified the right of both public and private sector employees to organise and bargain collectively. The Recognition Law defines and places limits on the retaliatory actions employers may take against strikers. Public employees, providing essential services, may strike, subject to certain conditions.

Population < 15:	42%	% GNP spent on education:	N/A
Illiteracy:	50.9% <sup>m</sup> /55.4% <sup>f</sup>	Life expectancy at birth:	50m/54f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Child Risk Measure: 47 [reg. av. 10]

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (189) (192)

**EDUCATION RIGHTS:** Officially, education is free and compulsory for children between the ages of seven and 13, but only about 40 percent of children in this age group attend school. In reality, only 25 percent of Haiti's primary schools and ten percent of its secondary schools provide free education. Access to education is sharply limited by location. There are far too few public schools to accommodate the country's children, especially in rural areas. Access is also governed by the availability of teachers: there is a severe shortage, especially of trained teachers. There is also the fact that public schools are not obliged to admit the children of unmarried mothers. Class sizes of up to 100 pupils are not unusual. Classes at all levels are taught exclusively in French, although the French language is used by only an elite minority. Haitian Creole is the language understood and spoken by 85 percent of the population. The *baccalauréat* pass rate in 1998 was 7.5 percent. Five years ago, El affiliate, CNEH, convinced the government to plan a 10-year national education programme. In 2000 the government had still not implemented, let alone formulated, a programme that will promote the fundamental right of all Haitian children to basic education. Wealthy students go abroad for higher education and there were fewer than 6,300 tertiary students enrolled in Haiti in 2000.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum working age in all sectors is 15 years and the Labour Code prohibits minors from working at night in industrial enterprises. These prohibitions are a legal nicety. They are routinely ignored and seldom enforced. The same Labour Code also prohibits forced or compulsory labour. However, there is a long-entrenched and widely accepted custom in Haiti called *restavek*. *Restavek*, which means 'to stay with' in Haitian Creole, refers to a system in which desperately poor rural families send their children to work as domestics with families in the towns and cities in exchange for board and keep and education for the children. Typically, the *restavek* families use the children as slaves, denying them any access to education and leaving them abused and neglected. A United Nations study in 1998 estimated there are 300,000

children, 85 percent of them girls, who are victims of this worst form of child labour. Neither the Penal Code nor the Rural Code make any provisions for penalties for those who mistreat or even beat to death children in domestic service. In theory it is illegal to use children under 12 as *restaveks* but in practice they may be as young as three years. Port-au-Prince's large population of street children includes many *restaveks* who are runaways, or have been abandoned by their host families, or who continue in domestic servitude but are not provided with food or shelter. On January 1999, backed by funding from the United States, Haiti and the ILO's programme to eliminate child labour [IPEC], launched a modest programme to begin tackling the child domestic labour problem in Haiti. There are also four NGO agencies involved in the programme. A reliable report cites the Haitian Ministry of Social Affairs as believing that little can be done to curtail the practice, regarding it as economically motivated. There is currently no law in Haiti prohibiting trafficking in persons, including children.

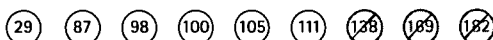
**TRADE UNION RIGHTS:** Public school teachers went on strike for several months early in 1999 because a promised 32 percent pay increase never materialised. They called a three day strike in June to protest the government's continuing failure to increase salaries and disburse back pay. In addition to the problems with their salaries, CNEH was told by the Minister for National Education that school principals and inspectors are Ministerial executives and as such are forbidden by law from joining a union or taking strike action. The union struck again from September to November 1999 and in December filed a complaint with the ILO. The complaint outlines the efforts made by CNEH to persuade the government to implement the agreements reached on pay and conditions. It also details the intimidation and harassment of union leaders and activists. The complaint asks that the International Labour Organisation rule that the government of Haiti is in breach of a number of Conventions, in particular Convention 87 on freedom of association and Convention 98 on the right to organise and bargain collectively. Although the Haitian Constitution guarantees freedom of association and the right to strike, the Labour Code does not recognise the right of public sector workers to organise. In practice public sector unions exist. The Code protects private sector trade union organising activities but the government makes little effort to enforce the law. Collective bargaining is nonexistent, and employers set wages unilaterally. Fifty percent of the working age population of Haiti is unemployed.

Population: 2,589,000

Population < 15:	31.1%	% GNP spent on education:	3.6%
Illiteracy:	18.5% <sup>m</sup> /10.5% <sup>f</sup>	Life expectancy at birth:	71m/76f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	956
Primary pupil teacher ratio:	32	% govt. expenditure on education:	16.5%

Child Risk Measure: 8 [reg. av. 10]

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** The Education Act stipulates that all children between six and 15 years of age must attend school. Public school education is free at both primary and secondary levels. Per student spending has steadily fallen and the portion of the government's budget spent on education has dwindled from 18 percent ten years ago to 11 percent in 1999. Low salaries fail to attract teachers. In many schools the teacher pupil ratio is very high, with often one teacher for all grades. Lack of transportation compounds the problem. About 60 percent of Jamaican children, mostly in rural areas, drop out early. Few schools have computers or advanced teaching aids. There is a shortage of secondary schools so primary graduates must take competitive examinations for placement. Plans for a wide improvement to primary and secondary education, funded by international loans, was announced by the government in 1998. The regional University of the West Indies has its principal campus at Mona, near Kingston.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** In December 1999, the Minister of Labour, Welfare and Sport made a widely reported speech in which she stated that 23,000 children were engaged in child labour. The Juvenile Act 1951 provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may only be in domestic, agricultural, or horticultural work. Enforcement, however, is erratic. Thousands of children are kept home to help with housework and to avoid school costs. Children under the age of 12 sell goods and services on city streets, but there is no evidence of widespread illegal employment of children in other sectors of the economy. The Juvenile Act places a prohibition on causing or allowing juvenile begging. The Act also deals with juveniles 'in need of care and protection'. A Human Rights Watch report, July 1999, detailed many cases of children, often as young as 12 or 13, being detained under the 'care and protection' provision for long periods in inappropriate adult prisons, and without access to adequate education. The Government has made resources available to provide some purpose-built facilities for juveniles in care.

**TRADE UNION RIGHTS:** The law provides for the right to form or join a trade union, and unions function freely and independently of the Government. Workers in ten broad categories of 'essential services' are prohibited from striking, a provision the ILO has repeatedly condemned as overly inclusive. The government rarely interferes with union organising efforts and does not impede collective bargaining.

El member organisation / Membership:

Teachers' Association (JTA) / 17,000





Population: 4,500

Population < 15:	32%	% GNP spent on education:	N/A
Illiteracy:	7%	Life expectancy at birth:	74m/ 77f
Pre-primary gross enrolment:	81%	School life expectancy [years]:	N/A
Net enrolment first level:	100%	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

SEE UNITED KINGDOM for ratification status of ILO Conventions.

Montserrat is an Overseas Territory of the United Kingdom. Approximately 8,000 Montserratians remain relocated as a result of volcanic activity. The island continues to be devastated, physically and socially, by the Soufrière Hills volcanic eruptions. Even before the eruptions began in 1995 the island was one of Britain's more economically dependent territories. Now the two most important sectors of the economy, tourism and agriculture, have been virtually destroyed. The initial volcanic activity [between 1995 and 1997] forced the evacuation of the southern two-thirds of Montserrat, including the administrative settlement of Plymouth. The majority of Montserratians currently reside on neighbouring islands [especially Antigua and Guadeloupe] and in the United Kingdom. A bitter dispute with the United Kingdom over paying for resettlement and reconstruction was partially resolved when the UK government promised a programme to develop the relatively safe north of the island. In addition to committing an emergency fund of £59 million after the original crisis in 1995, the British government has added a further £75 million covering the period 1998-2001. Additional support has come from international and regional organisations. As at July 2000 the volcano was still actively dangerous, and there is an increasing possibility that much of Montserrat will remain permanently uninhabitable. Members of EI affiliate, the Montserrat Union of Teachers, who elected to remain on the island, live and teach in a stressful environment with an uncertain future.

**EDUCATION RIGHTS:** Education is free and compulsory between four and a half and 16 years of age. Prior to the volcanic crisis there were 11 primary schools. In 1999, there were only two. The upper level of the Island's comprehensive secondary school has not been available since 1997. Drastic depopulation led to the closure of a post-secondary technical college and curtailed access to university education.

EI member organisation / Membership:  
Montserrat Union of Teachers (MUT) / 102



Population < 15:	33%	% GNP spent on education:	3.8%
Illiteracy:	5%	Life expectancy at birth:	66m/71f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students:	N/A
Primary pupil teacher ratio:	21	% govt. expenditure on education:	8.8%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (169) (182)

**EDUCATION RIGHTS:** Education is compulsory from ages five to 16 years. There are 25 primary, six secondary schools, and a college of further education. The Federation participates in the regional University of the West Indies. There are about 400 tertiary students.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum legal working age is 14 years. School truant officers and the Labour Ministry effectively monitor compliance. The government has incorporated most of the provisions of the Convention on the Rights of the Child into domestic legislation.

**TRADE UNION RIGHTS:** The Constitution provides for the right of all workers to form and belong to trade unions. The right to strike is well established and respected in practice. Unions are free to organise and to negotiate for better wages and benefits for union members.

El member organisation / Membership:

- Nevis Teachers' Union (NTU) / 84
- Nevis Teachers' Union (SXTU) / 190

Population: 154,020

Population < 15:	33.4%	% GNP spent on education:	9.8%
Illiteracy:	19% <sup>m</sup> /18% <sup>f</sup>	Life expectancy at birth:	69 <sup>m</sup> /75 <sup>f</sup>
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio [2000]:	35	% govt. expenditure on education:	22.2%

Ratification of ILO Conventions:

(29) (87) (98) (100) (105) (111) (128) (169) (182)

**EDUCATION RIGHTS:** Education is compulsory between the ages of five and 15 years. Both primary and secondary school education is free. There are 87 primary schools and 16 secondary schools. Only about one-third of primary school children continue on to secondary schools, and the drop-out rate from primary to secondary school is higher for boys than for girls. There is a community college, a teacher-training college, and a branch of the University of the West Indies in the capital, Castries. In 2000, approximately 2,800 students enrolled in post-secondary education.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** There were no reports of breaches of the Children and Young Persons Act which stipulates a minimum legal working age of 14 years.

**TRADE UNION RIGHTS:** The Constitution specifies the right of workers to form and belong to trade unions, and most public sector employees are unionised. Strikes in both the public and private sectors are legal. Unions have the legal right to engage in collective bargaining. The Government consults with the St Lucia Teachers' Union.



# SAINT VINCENT AND THE GRENADINES

276

Population: 120,519

Population < 15:	30%	% GNP spent on education:	N/A
Illiteracy:	15%	Life expectancy at birth:	71.4m/74.5f
Pre-primary gross enrolment:	N/A	School life expectancy (years):	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Ratification of ILO Conventions:

☐ 29 
 ☒ 87 
 ☐ 98 
 ☐ 100 
 ☐ 105 
 ☐ 141 
 ☒ 138 
 ☐ 109 
 ☐ 182

**EDUCATION RIGHTS:** Primary education is free in 60 government primary schools. Although education is not compulsory, the government states that it investigates cases where children are withdrawn from school before the age of 16. Attendance, however, is erratic. There are two government assisted secondary schools and 19 run by church organisations. There is a teachers' college and a community college. University students go to the regional University of the West Indies in Jamaica.

**ACADEMIC FREEDOM:** The government does not restrict academic freedom.

**CHILD LABOUR:** There is no known child labour except for children working on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The law sets the minimum working age at 16 years, although a worker must be 18 years old to receive a national insurance card.

**TRADE UNION RIGHTS:** Workers have the constitutional right to form and join unions. The Trade Unions and Trade Disputes Act allows the right to strike. There are no legal obstacles to organising unions, however, no law requires employers to recognise a particular union as an exclusive bargaining agent

☐ member organisation / Membership:



and the Grenadines Teachers' Union (SVG TU) / 5,000

Population < 15:	32.9%	% GNP spent on education:	N/A
Illiteracy:	4.6% <sup>m</sup> /8.4% <sup>f</sup>	Life expectancy at birth:	68m/73f
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	N/A	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	N/A	Tertiary students per 100,000:	N/A
Primary pupil teacher ratio:	N/A	% govt. expenditure on education:	N/A

Ratification of ILO Conventions:

(29) (87) (98) (180) (105) (141) (138) (189) (182)

**EDUCATION RIGHTS:** Suriname's system of education is modelled on that of the Netherlands and Dutch is the language of instruction. School attendance is free and compulsory between the ages of six and 12. Apart from contentious enrolment fees, secondary education is also free. More than 90 percent of the children in the capital, Paramaribo, and other coastal areas attend primary school, but some school-age children do not have access to education because of lack of transportation, facilities, or teachers. The Indigenous Amer-indians [three percent of the population], and 'Maroons', descendants of 'fugitive' African slaves [ten percent of the population], both live in remote areas of the interior and are especially disadvantaged. As recently as 1995 Suriname spent more on defence than on education. There is a teachers' college, a vocational school and a technical school. The University, in Paramaribo, includes law and medical faculties. Altogether 4,319 students were enrolled in post-secondary education in 2000.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The law sets the minimum age for employment at 14 years, however, it is only enforced sporadically. Children under 14 years of age work as street vendors, newspaper sellers, or shop assistants in Paramaribo, and both in the capital and in rural areas children face increasing economic pressure to discontinue their education in order to work. The trafficking of young girls for prostitution, a worst form of child labour, does occur.

**TRADE UNION RIGHTS:** Civil servants now have a legal right to join unions and to strike. The Constitution explicitly recognises the right to organise and bargain collectively.

Population < 15:	31%	% GNP spent on education:	4.4%
Illiteracy:	1.3% <sup>m</sup> /2.9% <sup>f</sup>	Life expectancy at birth:	74
Pre-primary gross enrolment:	N/A	School life expectancy [years]:	N/A
Net enrolment first level:	88%	% 1995 cohort reaching grade 5:	98% <sup>m</sup> /97% <sup>f</sup>
Secondary gross enrolment:	72% <sup>m</sup> /75% <sup>f</sup>	Tertiary students per 100,000:	787
Primary pupil teacher ratio:	25	% govt. expenditure on education:	N/A

Child Risk Measure: 10 [reg. av. 10]

Ratification of ILO Conventions:

29
87
98
100
105
111
128
189
182

**EDUCATION RIGHTS:** Education is free and compulsory for children between the ages of six and 12. Some parts of the public school system fail to meet the needs of the school age population due to overcrowded, substandard physical facilities, and occasional classroom violence by gangs. A 70 percent transition rate from primary to secondary levels has been achieved, although distribution is uneven. There are plans for wide-scale development in the education system, funded by international loans. A government policy paper supports the principle of universal education being available up to age 16. Higher education is provided by teacher-training colleges, technical institutes, and a campus of the University of the West Indies. They have a combined enrolment of 7,250.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The minimum legal age for workers is 12 years. Children from 12 to 14 years may work only in family businesses. The enforcement of the child labour law is lax. There is no organised exploitation of child labour, but children are often seen begging or working as street vendors. Some children are used by criminals as guards and couriers.

**TRADE UNION RIGHTS:** All workers, including those in state-owned enterprises may form or join unions of their own choosing. Government employees do not have the right to strike. The Industrial Relations Act establishes the right of workers to collective bargaining. ET&TUTA has had to resort to industrial action to have the government negotiate salary and other issues of concern to teachers.

ET member organisation / Membership:

Trinidad and Tobago Unified Teachers' Association (T&TUTA) / 8,400

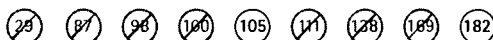
Population: 275,562,673

SEE FOOTNOTE 1

Population < 15:	21.6%	% GNP spent on education:	5.4%
Illiteracy:	officially 2.4%	Life expectancy at birth:	73m/80f
Pre-primary gross enrolment:	71%	School life expectancy [years]:	15.5m/16.4f
Net enrolment first level:	94% <sup>m</sup> /95% <sup>f</sup>	% 1995 cohort reaching grade 5:	N/A
Secondary gross enrolment:	98% <sup>m</sup> /97% <sup>f</sup>	Tertiary students per 100,000:	5,341
Primary pupil teacher ratio:	16	% govt. expenditure on education:	14.4%

Child Risk Measure: Less than 5 [reg. av. 10] SEE FOOTNOTE 2

Ratification of ILO Conventions:



**EDUCATION RIGHTS:** Primary and secondary education involves 12 years schooling, the successful completion of which leads to a high school diploma. In theory, responsibility for operating the public education system is local. In fact, much of the local control has been superseded, and state legislation controls financing methods, academic standards, and policy and curriculum guidelines. Because public education is separately developed within each state variations exist from one state to another as well as between local jurisdictions in each state. Public primary and secondary education is supported financially by three levels of government – local, state and federal. Local school districts often levy property taxes, which are the major source of financing for the public school system. Wealthy communities can afford to pay more per student than poorer communities; consequently, the disparity in wealth affects the quality of education received. Some jurisdictions have taken measures to level this imbalance by distributing property tax collections to school districts based on the number of students enrolled. The federal government's role includes compensatory funding for schools in impoverished communities, supporting school lunch programmes, the administration of Indian education, making research grants to universities, underwriting loans to college students, and financing education for veterans from the armed services. Enrolment in early childhood education has more than tripled in the last thirty years. Enrolment in public schools totals over 31 million pupils at primary level, and about 12 million secondary students. Private primary and secondary schools enrol approximately five million students. The Roman Catholic Church provides the largest system of private education. However, the number of Catholic private schools has shrunk in recent years. More non-denominational fee-paying schools have been founded. College and university enrolments almost doubled in the period 1970–2000. During the 1990s approximately 22 percent of the eligible population either graduated from college or university or completed other post secondary studies. Of the total school enrolment, whites constitute about 63.5 percent, African-Americans about 17 percent, and Hispanic and other Americans about 19.5 percent. In 1997, only 55 percent of Hispanics of age 25 and older had graduated from high school, and 7.4 percent had graduated from college. In some states of the union, illiteracy has been virtually eliminated and a recent federal-state programme has increased aid to literacy projects.

However, a survey commissioned by the Department of Education seven years ago found that 40 million adults across the United States could read and calculate at no better than the lowest level of literacy. Almost a quarter of those 40 million are immigrants who are not native speakers of English. Illiteracy is strongly linked to poverty. Many adult illiterates are African-Americans who live in the large cities and rural Southern communities. Several million others live in Appalachia, which is almost entirely white. Territories associated with the United States all report literacy rates similar to the USA with the exception of Puerto Rico which has 10 per cent illiteracy.

**ACADEMIC FREEDOM:** The government respects academic freedom.

**CHILD LABOUR:** The Fair Labor Standards Act prohibits children under 18 from undertaking hazardous work. Children under 16 are barred from working in factories or during school hours. The Act prohibits children under 14 from all jobs except farming. Children under 12 may work in farm labour. Since the passage of the Fair Labor Standards Act in 1938, child labour has declined, although it is far from eradicated. The United States has four million working children. A survey, as recent as 1997, based on federal government data, reported that 290,000 children work illegally. The survey admits to being incomplete because it is unable to account for the most easily exploited: children of migrant workers, illegal immigrants, the very young, and children covertly involved in prostitution and other illicit activities of the 'sex industry.' UNESCO and the ILO both estimate that between 100,000 and 300,000 children are exploited through prostitution, pornography and related worst forms of child labour. The greatest number of children employed unlawfully work in the agricultural and the horticultural sectors, where they are often unprotected from harmful pesticides, and work for below the normal minimum wage. Several thousand children under the age of 14, and as young as nine, work in garment 'sweatshops'. Underage child workers are also employed in such industries as meat-packing, construction, in sawmills and furniture factories, as well as in the informal sector. Human Rights Watch 2000 report is critical of several jurisdictions which confine delinquent children in cruel and unusual conditions without providing either rehabilitation programmes or their right to an education. In 1999 the US Department of Labor successfully prosecuted a number of companies for violations of child labour laws. Toys Are Us, for example, was fined \$US200,000 and instructed to institute new practices, and Sears, Roebuck & Co agreed to pay a \$US325,000 penalty for allowing children to operate hazardous machinery or work illegal hours. In 1999 the federal government approved legislation which permits 14-year-old Amish children to work in sawmills and other hazardous woodworking jobs. Supporters say the measure will help preserve the family and culture of the 150,000 member religious sect. The death rate in sawmills is five times higher than the average for all private industries. It is an occupation proscribed under the Fair Labor Standards Act, and it could be defined as hazardous work that constitutes a worst form of child labour. The United States was one of the first countries to ratify ILO Convention 182, outlawing the worst forms of child labour. The Clinton administration developed a major pro-



gramme to combat child labour world-wide and the USA is currently a significant contributor of funds for the ILO-IPEC programmes. The official age of recruitment into the American armed forces is 17.

**TRADE UNION RIGHTS:** The right to strike and the right of workers to organise trade unions are not adequately protected in the labour legislation of the USA. Thirty of the fifty states have collective bargaining rights mandated by state law. The law is unable to protect workers when the employer is determined to destroy or prevent trade union representation. The Confederation of Free Trade Unions estimates that at least one in 10 union supporters campaigning to form a union is illegally fired. For every thirty people who vote for a union in elections in any one year, one union supporter will be illegally fired in 25 percent of all union-organising campaigns. Because trade union organising in the USA often involves costly litigation, the right to join trade unions and participate in collective bargaining is, in practice, denied to large segments of the workforce. The inadequacy of laws is not limited to the private sector. Approximately 40 percent of all public sector workers, more than seven million people, are still denied basic collective bargaining rights. Over two million employees of the federal government are governed by the 1978 Federal Labor Relations Act, which outlaws strikes, proscribes collective bargaining over hours, wages and economic benefits, and imposes an excessive definition of management rights which further limits the scope of collective bargaining rights. The most extreme forms of exploitation of workers takes place in some Outlying Territories. For example, the Northern Mariana Islands' garment industry relies on a system of indentured servitude, whereby thousands of foreign workers, mainly girl children and young women are recruited from impoverished Asian countries under bonded conditions, which include exorbitant fee-charging and the signing of unscrupulous contracts.

Education, particularly in primary and secondary schools, is one of the most highly unionised sectors of the USA labour market.

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FOOTNOTE 1: RESPONSIBILITIES - Territory of American Samoa [Population 59,566], Territory of Guam Island [Population 156,974], Commonwealth of the North Mariana Islands [Population 52,284], Commonwealth of Puerto Rico [Population 3,887,000], Virgin Islands of the United States [Population 119,827]

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FOOTNOTE 2: The United States has not ratified the UN Convention on the Rights of the Child

EU member organisation / Membership:

- American Association of University Professors (AAUP) / 44,000
- American Federation of Teachers (AFT) / 1,000,000
- National Education Association (NEA) / 2,500,000



# UN CONVENTION ON THE RIGHTS OF THE CHILD (1989)

## PREAMBLE

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country in the developing countries,

Have agreed as follows:

## **PART I**

### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### **Article 4**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

### **Article 5**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom; legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

### **Article 6**

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

### **Article 7**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

### **Article 8**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality,

name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

## Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

## Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 2, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

## Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

## Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

## Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### Article 14

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1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### Article 15

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1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### Article 16

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1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

#### Article 17

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States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### Article 18

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1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

**Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

**Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

**Article 21**

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

**Article 22**

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason set forth in the present Convention.

### Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  - (a) To diminish infant and child mortality;
  - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  - (c) To combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
  - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
  - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
  - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.



**Article 26**

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

**Article 27**

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

**Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;
  - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

**Article 29**

1. States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living; the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of all origins;

- (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### **Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### **Article 31**

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### **Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### **Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

### **Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
  - (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- The exploitative use of children in pornographic performances and materials

### **Article 35**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

### **Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

**Article 37**

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

**Article 38**

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

**Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
  - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
  - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
    - (i) To be presumed innocent until proven guilty according to law;
    - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
    - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and,

unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
  - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
  - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

#### Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State Party; or
- (b) International law in force for that State.

### PART II

#### Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competent in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of

the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
  - (a) Within two years of the entry into force of the Convention for the State Party concerned;
  - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

#### Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### **PART III**

#### **Article 46**

The present Convention shall be open for signature by all States.

#### **Article 47**

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### **Article 48**

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### **Article 49**

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### **Article 50**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### **Article 51**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

#### **Article 52**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

**Article 53**

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The Secretary-General of the United Nations is designated as the depositary of the present Convention.

**Article 54**

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The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

## ILO CONVENTION 29: FORCED LABOUR, 1930

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

### Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.
3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

### Article 2

1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include
  - (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
  - (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
  - (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
  - (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
  - (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

### Article 3

For the purposes of this Convention the term competent authority shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

### Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.
2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations



exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

#### Article 5

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.
2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

#### Article 6

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

#### Article 7

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.
2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.
3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

#### Article 8

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.
2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of Government stores.

#### Article 9

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do work or render the service;
- (b) that the work or service is of present or imminent necessity;
- (c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and
- (d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

#### Article 10

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.
2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself

that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

- (b) that the work or the service is of present or imminent necessity;
- (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;
- (d) that the work or service will not entail the removal of the workers from their place of habitual residence;
- (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

#### Article 11

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:
  - (a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;
  - (b) exemption of school teachers and pupils and officials of the administration in general;
  - (c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;
  - (d) respect for conjugal and family ties.
2. For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

#### Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.
2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

#### Article 13

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.
2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

#### Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.
2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.
3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.
4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.
5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least

equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

#### Article 15

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.
2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

#### Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.
2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.
3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.
4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

#### Article 17

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself

- (1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;
- (2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers;
- (3) that the journeys of the workers to and from the work-places are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;
- (4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;
- (5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

#### Article 18

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, inter alia, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of Government stores, or, in cases of urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be med-

ically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease; (c) the maximum load which these workers may carry; (d) the maximum distance from their homes to which they may be taken; (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes; and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country, through which they must travel and the climatic conditions.
3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

#### Article 19

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.
2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

#### Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

#### Article 21

Forced or compulsory labour shall not be used for work underground in mines.

#### Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory; the purposes for which it has been employed; the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

#### Article 23

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.
2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

#### Article 24

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted:

**Article 25**

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

**Article 26:**

- 1.. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating:
  - (1) the territories to which it intends to apply the provisions of this Convention without modification;
  - (2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;
  - (3) the territories in respect of which it reserves its decision;
2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification: It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

**Article 27**

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

**Article 28:**

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office:
2. It shall come into force twelve months after the date on which the ratifications of two members of the International Labour Organisation have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

**Article 29:**

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

**Article 30:**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration: Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.
2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

**Article 31:**

At the expiration of each period of five years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

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**Article 32**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall ipso jure involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.
2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.
3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising convention.

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**Article 33**

The French and English texts of this Convention shall both be authentic.

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# ILO CONVENTION 87: FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, 1948

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948;

Having decided to adopt, in the form of a Convention, certain proposals concerning freedom of association and protection of the right to organise, which is the seventh item on the agenda of the session;

Considering that the Preamble to the Constitution of the International Labour Organisation declares recognition of the principle of freedom of association to be a means of improving conditions of labour and of establishing peace; Considering that the Declaration of Philadelphia reaffirms that freedom of expression and of association are essential to sustained progress;

Considering that the International Labour Conference, at its Thirtieth Session, unanimously adopted the principles which should form the basis for international regulation;

Considering that the General Assembly of the United Nations, at its Second Session, endorsed these principles and requested the International Labour Organisation to continue every effort in order that it may be possible to adopt one or several international Conventions;

adopts the ninth day of July of the year one thousand nine hundred and forty-eight, the following Convention, which may be cited as the Freedom of Association and Protection of the Right to Organise Convention, 1948:

## Part I. Freedom of Association

### Article 1

Each Member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

### Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

### Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.
2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

### Article 4

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

### Article 5

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

### Article 6

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

### Article 7

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

## Article 8

1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.
2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

## Article 9:

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.
2. In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

## Article 10:

In this Convention, the term, organisation, means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

## Part II. Protection of the Right to Organise

### Article 11:

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

## Part III. Miscellaneous Provisions

### Article 12

1. In respect of the territories referred to in article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating:
  - a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
  - b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
  - c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
  - d) the territories in respect of which it reserves its decision.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.
4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

### Article 13

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan terri-



territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:
  - a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
  - b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.
3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modifications or subject to modification; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.
4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

#### **Part IV. Final Provisions**

##### **Article 14**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

##### **Article 15**

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

##### **Article 16**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

##### **Article 17**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

**Article 18**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

**Article 19**

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 20**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
  - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Article 21**

The English and French versions of the text of this Convention are equally authoritative.

# ILO CONVENTION 98: RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, 1949

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning the application of the principles of the right to organise and to bargain collectively, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the first day of July of the year one thousand nine hundred and forty-nine, the following Convention, which may be cited as the Right to Organise and Collective Bargaining Convention, 1949:

## Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to
  - (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
  - (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

## Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

## Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

## Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

## Article 5

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.
2. In accordance with the principle set forth in paragraph 8 of article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

## Article 6

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

## Article 7

Ratifications of this Convention shall be communicated to the Director-General of the International Labour Organisation.

**Article 8**

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications have been registered.

**Article 9**

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of article 35 of the Constitution of the International Labour Organisation shall indicate
  - a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;
  - b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
  - c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
  - d) the territories in respect of which it reserves its decision pending further consideration of the position.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.
4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

**Article 10**

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.
2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
3. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

**Article 11**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

**Article 12**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour

Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### Article 14

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
  - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

### Article 16

The English and French versions of the text of this Convention are equally authoritative.

## ILO CONVENTION 100: EQUAL REMUNERATION, 1951

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the twenty-ninth day of June of the year one thousand nine hundred and fifty-one, the following Convention, which may be cited as the Equal Remuneration Convention, 1951:

### Article 1

For the purpose of this Convention

- (a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;
- (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

### Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.
2. This principle may be applied by means of
  - (a) national laws or regulations;
  - (b) legally established or recognised machinery for wage determination;
  - (c) collective agreements between employers and workers; or
  - (d) a combination of these various means.

### Article 3

1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.
2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.
3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

### Article 4

Each Member shall co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Convention.

### Article 5

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

## Article 7

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of article 35 of the Constitution of the International Labour Organisation shall indicate
  - a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;
  - b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
  - c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
  - d) the territories in respect of which it reserves its decision pending further consideration of the position.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.
4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 9, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

## Article 8

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.
2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
3. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 9, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

## Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

## Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

## Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations.

fications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 12

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At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 13

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1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
  - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 14

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The English and French versions of the text of this Convention are equally authoritative.



# ILO CONVENTION 105: ABOLITION OF FORCED LABOUR, 1957

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having considered the question of forced labour, which is the fourth item on the agenda of the session, and

Having noted the provisions of the Forced Labour Convention, 1930, and

Having noted that the Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom, and

Having noted that the Protection of Wages Convention, 1949, provides that wages shall be paid regularly and prohibits methods of payment which deprive the worker of a genuine possibility of terminating his employment, and

Having decided upon the adoption of further proposals with regard to the abolition of certain forms of forced or compulsory labour constituting a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights, and

Having determined that these proposals shall take the form of an international Convention,

adopts the twenty-fifth day of June of the year one thousand nine hundred and fifty-seven, the following Convention, which may be cited as the Abolition of Forced Labour Convention, 1957:

## Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

## Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

## Article 3

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

## Article 4

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications have been registered.

## Article 5

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. A Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided

for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 6

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### Article 7

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 8

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 9

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force;
  - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 10

The English and French versions of the text of this Convention are equally authoritative.

# ILO CONVENTION 111: DISCRIMINATION (EMPLOYMENT AND OCCUPATION), 1958

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights, adopts the twenty-fifth day of June of the year one thousand nine hundred and fifty-eight, the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

## Article 1

1. For the purpose of this Convention the term discrimination includes
  - (a) any distinction, exclusion or preference made on the basis of race, colour sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
  - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

## Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

## Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

## Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security shall not be deemed to be discrimination, provided that the individual concerned shall have the right to competent body established in accordance with national practice.

#### Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.
2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

#### Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

#### Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

#### Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 12

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### Article 13

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1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
  - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

### Article 14

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The English and French versions of the text of this Convention are equally authoritative.

# ILO CONVENTION 138: MINIMUM AGE, 1973

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention,

adopts the twenty-sixth day of June of the year one thousand nine hundred and seventy-three, the following Convention, which may be cited as the Minimum Age Convention, 1973:

## Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

## Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the constitution of the International Labour Organisation a statement
  - (a) that its reason for doing so subsists; or
  - (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

## Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

**Article 4**

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.
2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.
3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

**Article 5**

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.
2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.
3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.
4. Any Member which has limited the scope of application of this Convention in pursuance of this Article
  - (a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
  - (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

**Article 6**

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

**Article 7**

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is
  - (a) not likely to be harmful to their health or development; and
  - (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in b-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

#### Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.
2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

#### Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

#### Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted
  - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,



(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

## Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

## Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

## Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

## Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

## Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

**Article 16**

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 17**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
  - b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Article 18**

The English and French versions of the text of this Convention are equally authoritative.

# ILO CONVENTION 169: INDIGENOUS AND TRIBAL PEOPLES, 1989

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 76th Session on 7 June 1989, and

Noting the international standards contained in the Indigenous and Tribal Populations Convention and Recommendation, 1957, and

Recalling the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the many international instruments on the prevention of discrimination, and

Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards, and

Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live, and

Noting that in many parts of the world these peoples are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives have often been eroded, and

Calling attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding, and

Noting that the following provisions have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, as well as of the Inter-American Indian Institute, at appropriate levels and in their respective fields, and that it is proposed to continue this co-operation in promoting and securing the application of these provisions, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Indigenous and Tribal Populations Convention, 1957;

adopts the twenty-seventh day of June of the year one thousand nine hundred and eighty-nine, the following Convention, which may be cited as the Indigenous and Tribal Peoples Convention, 1989;

## Part I. General Policy

### Article 1

1. This Convention applies to:
  - (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
  - (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.
2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.
3. The use of the term peoples in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

### Article 2

1. Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity. Such action shall include measures for:

- (a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;
- (b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions;
- (c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life.

### Article 3

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.
2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention.

### Article 4

1. Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned.
2. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.
3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures.

### Article 5

In applying the provisions of this Convention:

- (a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;
- (b) the integrity of the values, practices and institutions of these peoples shall be respected;
- (c) policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.

### Article 6

1. In applying the provisions of this Convention, governments shall:
  - (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
  - (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
  - (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.
2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

### Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall eco-

conomic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.
4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

#### Article 8

1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.
2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.
3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

#### Article 9

1. To the extent compatible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.
2. The customs of these peoples in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.

#### Article 10

1. In imposing penalties laid down by general law on members of these peoples account shall be taken of their economic, social and cultural characteristics.
2. Preference shall be given to methods of punishment other than confinement in prison.

#### Article 11

The exaction from members of the peoples concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law, except in cases prescribed by law for all citizens.

#### Article 12

The peoples concerned shall be safeguarded against the abuse of their rights and shall be able to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.

### Part II. Land

#### Article 13

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

use of the term lands in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

**Article 14**

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

**Article 15**

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.
2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

**Article 16**

1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.
2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.
3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.
4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.
5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

**Article 17**

1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.
2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.
3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.

**Article 18**

Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.

**Article 19**

National agrarian programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to: (a) the provision of more land for these peoples when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;

(b) the provision of the means required to promote the development of the lands which these peoples already possess.

**Part III. Recruitment and Conditions of Employment****Article 20**

1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.
2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:
  - (a) admission to employment, including skilled employment, as well as measures for promotion and advancement;
  - (b) equal remuneration for work of equal value;
  - (c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;
  - (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.
3. The measures taken shall include measures to ensure:
  - (a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;
  - (b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;
  - (c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;
  - (d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.
4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

**Part IV. Vocational Training, Handicrafts and Rural Industries****Article 21**

Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

**Article 22**

1. Measures shall be taken to promote the voluntary participation of members of the peoples concerned in vocational training programmes of general application.
2. Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities.

3. Any special training programmes shall be based on the economic environment, social and cultural conditions and practical needs of the peoples concerned. Any studies made in this connection shall be carried out in co-operation with these peoples, who shall be consulted on the organisation and operation of such programmes. Where feasible, these peoples shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

#### Article 23

1. Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.
2. Upon the request of the peoples concerned, appropriate technical and financial assistance shall be provided wherever possible, taking into account the traditional technologies and cultural characteristics of these peoples, as well as the importance of sustainable and equitable development.

### Part V. Social Security and Health

#### Article 24

Social security schemes shall be extended progressively to cover the peoples concerned, and applied without discrimination against them.

#### Article 25

1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.
2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.
3. The health care system shall give preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.
4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

### Part VI. Education and Means of Communication

#### Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

#### Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.
2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.
3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.



**Article 28**

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.
2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.
3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

**Article 29**

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

**Article 30**

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.
2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

**Article 31**

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

**Part VII. Contacts and Co-operation across Borders****Article 32**

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

**Part VIII. Administration****Article 33**

1. The governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer the programmes affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfilment of the functions assigned to them.
2. These programmes shall include:
  - (a) the planning, co-ordination, execution and evaluation, in co-operation with the peoples concerned, of the measures provided for in this Convention;
  - (b) the proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in co-operation with the peoples concerned.

## **Part IX. General Provisions**

### **Article 34**

The nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

### **Article 35**

The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws, awards, custom or agreements.

## **PART X. PROVISIONS**

### **Article 36**

This Convention revises the Indigenous and Tribal Populations Convention, 1957.

### **Article 37**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### **Article 38**

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### **Article 39**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### **Article 40**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### **Article 41**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

**Article 42**

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 43**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides-
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 39 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Article 44**

The English and French versions of the text of this Convention are equally authoritative.

# CONVENTION 182: WORST FORMS OF CHILD LABOUR CONVENTION, 1999

## PREAMBLE

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

## Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

## Article 2

For the purposes of this Convention, the term [ child ] shall apply to all persons under the age of 18.

## Article 3

For the purposes of this Convention, the term [ the worst forms of child labour ] comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the

competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

#### Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

#### Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

#### Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
  - (d) identify and reach out to children at special risk; and
  - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

#### Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

#### Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

#### Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

#### Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

#### Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 16

The English and French versions of the text of this Convention are equally authoritative.

# RECOMMENDATION 190: WORST FORMS OF CHILD LABOUR RECOMMENDATION, 1999

## PREAMBLE

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-seventh Session on 1 June 1999, and

Having adopted the Worst Forms of Child Labour Convention, 1999, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Worst Forms of Child Labour Convention, 1999;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Recommendation, which may be cited as the Worst Forms of Child Labour Recommendation, 1999.

1. The provisions of this Recommendation supplement those of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.

## I. Programmes of action

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:
  - (a) identifying and denouncing the worst forms of child labour;
  - (b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
  - (c) giving special attention to:
    - (i) younger children;
    - (ii) the girl child;
    - (iii) the problem of hidden work situations, in which girls are at special risk;
    - (iv) other groups of children with special vulnerabilities or needs;
  - (d) identifying, reaching out to and working with communities where children are at special risk;
  - (e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

## II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:
  - (a) work which exposes children to physical, psychological or sexual abuse;
  - (b) work underground, under water, at dangerous heights or in confined spaces;
  - (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
  - (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
  - (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.
4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the

children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

### **III. Implementation**

5. (1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.  
 (2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.  
 (3) Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.
6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.
7. The information compiled under Paragraph 5 above should be communicated to the International Labour Office on a regular basis.
8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour, after consultation with employers' and workers' organizations.
9. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.
10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.
11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:
  - (a) gathering and exchanging information concerning criminal offences, including those involving international networks;
  - (b) detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;
  - (c) registering perpetrators of such offences.
12. Members should provide that the following worst forms of child labour are criminal offences:
  - (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
  - (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
  - (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.
13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.
14. Members should also provide as a matter of urgency for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.
15. Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:



- (a) informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary;
  - (b) involving and training employers' and workers' organizations and civic organizations;
  - (c) providing appropriate training for the government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;
  - (d) providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;
  - (e) simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;
  - (f) encouraging the development of policies by undertakings to promote the aims of the Convention;
  - (g) monitoring and giving publicity to best practices on the elimination of child labour;
  - (h) giving publicity to legal or other provisions on child labour in the different languages or dialects;
  - (i) establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing helplines or points of contact and ombudspersons;
  - (j) adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls;
  - (k) as far as possible, taking into account in national programmes of action:
    - (i) the need for job creation and vocational training for the parents and adults in the families of children working in the conditions covered by the Convention; and
    - (ii) the need for sensitizing parents to the problem of children working in such conditions.
16. Enhanced international cooperation and/or assistance among Members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers' and workers' organizations. Such international cooperation and/or assistance should include:
- (a) mobilizing resources for national or international programmes;
  - (b) mutual legal assistance;
  - (c) technical assistance including the exchange of information;
  - (d) support for social and economic development, poverty eradication programmes and universal education.

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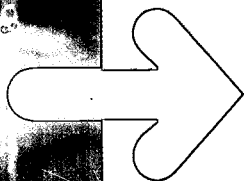
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**EL BAROMETER  
ON HUMAN AND  
TRADE UNION RIGHTS  
IN THE EDUCATION  
SECTOR**

**BARÓMETRO DE LA IE  
SOBRE LOS DERECHOS  
HUMANOS Y SINDICALES  
EN EL SECTOR  
DE LA EDUCACIÓN**

**BAROMÈTRE DE L'IE  
SUR LES DROITS HUMAINS  
ET SYNDICAUX  
DANS LE SECTEUR  
DE L'ÉDUCATION**



Education International's 2001 Barometer on Trade Union and Human Rights in the Education Sector focuses on four fundamental human rights - the right to education, academic freedom, children's right to be protected from exploitation and workers' rights to form and join trade unions, to organise and bargain collectively.

The aim of the Barometer is to demonstrate the inter-relationship of these four internationally established rights and to measure and monitor the extent to which, in each country where Education International has members, they are respected.

Since 1998, Education International's membership has extended to include organisations in five additional countries or territories - Azerbaijan, Georgia, Kyrgyzstan, Palestine and Sao Tomé & Príncipe-, bringing the total number of countries and territories covered in the Barometer to 155.

This second edition of the Barometer confirms that teachers and education support staff continue to be at the forefront of the struggle for basic trade union and human rights.

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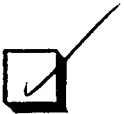


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